



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**JANUARY 21, 2014  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend Bernard S. Via, Retired Minister.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor David A. Bowers.

Welcome. Mayor Bowers.

**NOTICE:**

Today's Council meeting will be televised live and replayed on RVTV Channel 3 on Thursday, January 23 at 7:00 p.m., and Saturday, January 25 at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE GOVERNMENT ICON.

**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.** SPECIAL ASSISTANCE IS AVAILABLE FOR DISABLED PERSONS ADDRESSING CITY COUNCIL. EFFORTS WILL BE MADE TO PROVIDE ADAPTATIONS OR ACCOMMODATIONS BASED ON INDIVIDUAL NEEDS OF QUALIFIED INDIVIDUALS WITH DISABILITIES, PROVIDED THAT REASONABLE ADVANCE NOTIFICATION HAS BEEN RECEIVED BY THE CITY CLERK'S OFFICE.

PERSONS WISHING TO ADDRESS COUNCIL WILL BE REQUIRED TO CONTACT THE CITY CLERK'S OFFICE PRIOR TO THE MONDAY COUNCIL MEETING, OR REGISTER WITH THE STAFF ASSISTANT AT THE ENTRANCE TO THE COUNCIL CHAMBER PRIOR TO COMMENCEMENT OF THE COUNCIL MEETING. ONCE THE COUNCIL MEETING HAS CONVENED, THERE WILL BE NO FURTHER REGISTRATION OF SPEAKERS, EXCEPT FOR PUBLIC HEARING MATTERS. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH; HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE MAY CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE TO OBTAIN AN APPLICATION.

**THE COUNCIL OF THE CITY OF ROANOKE IS SEEKING APPLICATIONS FOR THE FOLLOWING CURRENT OR UPCOMING EXPIRATIONS OF TERMS OF OFFICE:**

**BLUE RIDGE BEHAVIORAL HEALTHCARE,  
BOARD OF DIRECTORS  
(ONE THREE-YEAR TERM OF OFFICE)**

**FAIR HOUSING BOARD  
(ONE UNEXPIRED TERM ENDING MARCH 31, 2015;  
ONE UNEXPIRED TERM ENDING MARCH 31, 2016)**

**PARKS AND RECREATION ADVISORY BOARD  
(AN UNEXPIRED TERM ENDING MARCH 31, 2014)**

**ROANOKE NEIGHBORHOOD ADVOCATES  
(ONE THREE-YEAR TERM OF OFFICE;  
AN UNEXPIRED TERM OF OFFICE ENDING JUNE 30, 2015)**

**ROANOKE PUBLIC LIBRARY BOARD  
(AN UNEXPIRED TERM ENDING JUNE 30, 2014)**

**EXPIRATION OF THE THREE-YEAR TERMS OF OFFICE OF WILLIAM B. HOPKINS, JR., AND LORIE E. VAUGHT AS TRUSTEES OF THE ROANOKE CITY SCHOOL BOARD ENDING JUNE 30, 2014. DEADLINE FOR RECEIPT OF APPLICATIONS IS MONDAY, MARCH 10, 2014. FOR QUESTIONS AND/OR ADDITIONAL INFORMATION, PLEASE CONTACT CITY CLERK'S OFFICE AT 853-2541.**

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

A resolution recognizing the Honorable Octavia Johnson for years of service as Sheriff of the City of Roanoke.

R 10

Recognition of 2013 City of Roanoke Employees with 30, 35, 40, and 45 years of service.

### **3. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. ALL MATTERS WILL BE REFERRED TO THE CITY MANAGER FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL, AS HE MAY DEEM APPROPRIATE.**

### **4. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1            A communication from Council Member Anita J. Price, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the mid-year performance of Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 12

RECOMMENDED ACTION:        Concur in request.

- C-2            A communication from the City Clerk advising of the resignation of Paul A. Adams as a member of the Roanoke Neighborhood Advocates, effective immediately.

P 13

RECOMMENDED ACTION:        Accept the resignation and receive and file the communication.

- C-3            A communication from Cathy S. Bowman, Secretary, Roanoke Regional Airport Commission transmitting a resolution adopting "Roanoke-Blacksburg Regional Airport, Woodrum Field" as the new official name of the airport, effective as of calendar year 2014.

P 14

RECOMMENDED ACTION:        Receive and file.

- C-4            Reports of qualification of Drew H. Kepley as a member of the Board of Zoning Appeals for a three-year term of office ending December 31, 2016; and Lawrence K. Dowler as a member of the Fair Housing Board to fill the unexpired term of Valerie Hale ending March 31, 2016.

RECOMMENDED ACTION:        Receive and file.

## **REGULAR AGENDA**

### **BID OPENING:**

Bids for execution of a Lease Agreement for development, construction, operation and maintenance of up to six outdoor athletic fields on properties located at 2100 Countryside Road, identified as Official Tax Map No. 6472302; and at the intersection of Ranch Road and Lewiston Street; and Portland Avenue located at 0 Ben Street, N. W., identified as Official Tax Map No. 6421001.

#### **5. PUBLIC HEARINGS: NONE.**

#### **6. PETITIONS AND COMMUNICATIONS: NONE.**

#### **7. REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:**

##### **a. CITY MANAGER:**

##### **BRIEFINGS:**

- Citizen Survey - 20 minutes

##### **ITEMS RECOMMENDED FOR ACTION:**

1. Acceptance and appropriation of funds in connection with the 2014 Violence Against Women Act (V-STOP) Grant from the Department of Criminal Justice Services to fund existing Domestic Violence Specialist position.
2. Acceptance and appropriation of funds in connection with the 2014 Virginia Sexual and Domestic Violence Victim Fund Grant from the Virginia Department of Criminal Justice Services to partially fund an existing Sexual Violence Specialist position in the Police Department.
3. Acceptance and appropriation of additional Virginia Department of Transportation Federal Transportation Enhancement funds for Roanoke River Greenway Memorial Bridge Trail Connector Project.

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| P 16<br>R 17<br>B/O 18 |
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| P 19<br>R 21<br>B/O 22 |
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| P 23<br>R 25<br>B/O 28 |
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4. Amendment of the City Code to include a new section, Methamphetamine Lab Cleanup, to establish a cost recovery mechanism, effective March 31, 2014.

P 29  
O 31

5. Amendment of the City Code to include skateboards as a mode of wheeled transportation and to govern the operation of wheeled transportation within public parks or plazas, effective March 31, 2014.

P 33  
O 35

6. Acceptance of conveyance of real property from the Roanoke Redevelopment and Housing Authority located at 502 Williamson Road, S. E., to the City of Roanoke.

P 37  
O 43

#### **COMMENTS BY CITY MANAGER.**

### **8. REPORTS OF COMMITTEES:**

- a. A report of the Roanoke City School Board requesting appropriation of funds for various educational programs; and a report of the Director of Finance recommending that Council concur in the request. Kathleen Jackson, Budget and Reporting Analyst, Spokesperson.

P 46  
P 47  
B/O 48

### **9. UNFINISHED BUSINESS: NONE.**

### **10. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

- a. A resolution appointing Braxton Naff as a Director of the Economic Development Authority, to fill the unexpired term of F. Gordon Hancock ending October 20, 2015.

R 49

### **11. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **12. RECESS.**

**CERTIFICATION OF CLOSED SESSION.**

**THE COUNCIL MEETING WILL STAND IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.**



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**JANUARY 21, 2014  
7:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**Call to Order--Roll Call.**

The Invocation will be delivered by Mayor David A. Bowers.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Bowers.

Welcome. Mayor Bowers.

**NOTICE:**

Today's Council meeting will be televised live and replayed on RVTV Channel 3 on Thursday, January 23 at 7:00 p.m., and Saturday, January 25 at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

**A. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

Recognition of the James Breckinridge Middle School Builders Club.

## **B. PUBLIC HEARINGS:**

1. Request of BGGT, LLC, to rezone property, repeal all proffered conditions of a previous rezoning, and to amend the Planned Unit Development Plan on property located at 0 Roberts Road, from CG, Commercial-Neighborhood District, and MXPUD, Mixed Use Planned Unit Development, to MXPUD, Mixed Use Planned Unit Development subject to certain proffered conditions. Sean Horne, Agent, Spokesperson.
2. Request of James and Linda Hullett to rezone property located at 1817 Indiana Avenue, N. E., from RM-1, Residential Mixed Density District, to I-1, Light Industrial District, subject to a proffered condition. Lane Dellinger, Agent, Spokesperson.
3. Execution of a Lease Agreement for development, construction, operation and maintenance of up to six outdoor athletic fields on properties located at 2100 Countryside Road, identified as Official Tax Map No. 6472302; and at the intersection of Ranch Road and Lewiston Street; and Portland Avenue located at 0 Ben Street, N. W., identified as Official Tax Map No. 6421001. Christopher P. Morrill, City Manager.
4. Amendment to the City Code to add a new Article X, Public Dance Halls, to Chapter 21, Offenses – Miscellaneous, in order to provide for certain levels of on-site security in entertainment facilities for dancing, effective March 31, 2014. Christopher P. Morrill, City Manager.

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| P 50<br>O 69 |
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| P 72<br>O 84 |
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| P 86<br>O 88 |
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## **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. ALL MATTERS WILL BE REFERRED TO THE CITY MANAGER FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL, AS HE MAY DEEM APPROPRIATE.**

## **D. ADJOURNMENT.**

2.

2/2/2018

IN THE COUNCIL OF THE CITY OF ROANOKE VIRGINIA

A RESOLUTION paying tribute to Octavia Johnson, Roanoke City Sheriff, for her exemplary public service to the Roanoke City Sheriff's Office.

WHEREAS, Sheriff Johnson is a native of Elk Creek, Virginia, in Grayson County;

WHEREAS, Sheriff Johnson is a graduate of Wytheville Community College, where she earned an Associates of Applied Science Degree in police science, and earned certificates in Law Enforcement and Corrections;

WHEREAS, Sheriff Johnson relocated to Roanoke and has called the Valley home since 1976;

WHEREAS, in 1979, Sheriff Johnson was appointed a Deputy Sheriff in the Roanoke City Sheriff's Office;

WHEREAS, while serving with the department, Sheriff Johnson completed certification training in Basic Jailor and Courtroom Security and Basic Law Enforcement;

WHEREAS, in 2004, Sheriff Johnson retired with 25 years of dedicated service spanning the jail, court services, and civil process;

WHEREAS, on November 8, 2005, Sheriff Johnson was elected Sheriff of Roanoke, Virginia, and has served in this capacity since that time;

WHEREAS, Sheriff Johnson has led the Sheriff's office in recently securing accreditation, becoming one of only 89 such offices in the Commonwealth to achieve this distinction;

WHEREAS, Sheriff Johnson has been active in professional organizations, including her service as Region III Director of the Virginia Sheriffs' Association; an Executive Board member of the Cardinal

Criminal Justice Academy; a member of the National Sheriffs' Association; and a member of the Virginia Fraternal Order of Police, Lodge #1;

WHEREAS, Sheriff Johnson has been active in the community, including her service as Secretary-Treasurer for Virginia Cares; a board member for the Rescue Mission; a board member for the Boys and Girls Club; a board member for McMillian Ministries' of the M.A.P.S. Women's Conference; a member of the NAACP; a member of the Roanoke City Republican Committee; and a member of Roanoke Republican Women; and

WHEREAS, Sheriff Johnson will be leaving her position at the end of her term in 2013.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council adopts this resolution to recognize, commend, and applaud Sheriff Octavia Johnson for the many services that she has provided to the City of Roanoke and its citizens. .
2. The City Clerk is directed to forward an attested copy of this resolution to Sheriff Octavia Johnson.

ATTEST:

City Clerk.



**DAVID A. BOWERS**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Suite 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members**  
William D. Bestpitch  
Raphael E. "Ray" Ferris  
Sherman P. Lea  
Anita J. Price  
Court G. Rosen  
David B. Trinkle

January 21, 2014

The Honorable Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Mayor Bowers and Members of Council:

I wish to request a Closed Meeting to discuss the mid-year performance of Council-Appointed Officers, pursuant to Section 2.2-3711 (A) (1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script that reads "Anita J. Price".

Anita J. Price, Chair  
City Council Personnel Committee

AJP:ctw



STEPHANIE M. MOON, MMC  
City Clerk

**CITY OF ROANOKE  
OFFICE OF THE CITY CLERK**

215 Church Avenue, S. W., Suite 456

Roanoke, Virginia 24011-1536

Telephone: (540) 853-2541

Fax: (540) 853-1145

E-mail: [clerk@roanokeva.gov](mailto:clerk@roanokeva.gov)

JONATHAN E. CRAFT, CMC  
Deputy City Clerk

CECELIA T. WEBB, CMC  
Assistant Deputy City Clerk

January 21, 2014

The Honorable Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Mayor Bowers and Members of Council:

This is to advise that Paul A. Adams has tendered his resignation as a member of the Roanoke Neighborhood Advocates, effective immediately.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Moon".

Stephanie M. Moon, MMC  
City Clerk

# ROANOKE REGIONAL AIRPORT COMMISSION

5202 Aviation Drive  
Roanoke, VA 24012-1148  
(540) 362-1999  
FAX (540) 563-4838  
www.roanokeairport.com



January 2, 2014

Honorable Mayor and Members  
Roanoke City Council  
215 Church Avenue, SW  
Roanoke, Virginia 24011

Dear Mayor Bowers and Members of Council:

I am enclosing a copy of Resolution No. 38-121713, adopted by the Roanoke Regional Airport Commission at its meeting on December 17, 2013, changing the name of the airport from Roanoke Regional Airport, Woodrum Field, to Roanoke-Blacksburg Regional Airport, Woodrum Field. The name change will gradually be introduced in various Commission documents, signs, advertising, etc. during 2014. The shortened version, Roanoke-Blacksburg Regional Airport, will be the name to be used day to day. The entity itself, Roanoke Regional Airport Commission, will remain the same.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads 'Cathy S. Bowman'.

Cathy S. Bowman  
Commission Secretary

Enclosure

cc: Chair and Members, Roanoke Regional Airport Commission  
Mark Allan Williams, General Counsel  
Roanoke City Attorney  
Stephanie Moon, Clerk, Roanoke City Council

## RESOLUTION OF THE ROANOKE REGIONAL AIRPORT COMMISSION

Adopted this 17th day of December 2013

No. 38-121713

A RESOLUTION adopting "Roanoke-Blacksburg Regional Airport, Woodrum Field" as the new official name of the airport, and authorizing the Executive Director to take any and all actions necessary to implement such name change during calendar year 2014.

WHEREAS, section 8 of the Roanoke Regional Airport Commission Act, Chapter 140, 1986 Acts of Assembly, provides that the name of the airport operated by the Commission within the boundaries of the City of Roanoke and Roanoke County shall be "Roanoke Regional Airport, Woodrum Field", or such other name as the Commission shall adopt, provided that the words "Woodrum Field" are part of such other name;

WHEREAS, the Commission has determined that it is in the interests of the airport and the flying public to adopt "Roanoke-Blacksburg Regional Airport, Woodrum Field" as the new official name of the airport, with a shortened version, Roanoke-Blacksburg Regional Airport, being used day to day; and,

WHEREAS, various actions over an extended time period are necessary to implement such name change.

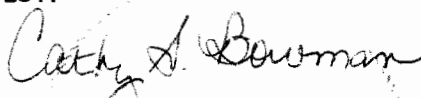
NOW, THEREFORE, BE IT RESOLVED by the Commission that:

1. Pursuant to the authority granted to this Commission in the Roanoke Regional Airport Commission Act, Chapter 140, 1986 Acts of Assembly, the Commission hereby adopts "Roanoke-Blacksburg Regional Airport, Woodrum Field" as the new official name of the airport effective as of calendar year 2014;

2. The Executive Director is hereby authorized to take any and all actions necessary and appropriate on behalf of the Commission to implement and make such name change effective during calendar year 2014, including, without limitation, execution of any and all necessary and appropriate documentation in form approved by General Counsel; and,

3. The Commission Secretary is directed to provide certified copies of this resolution to Roanoke City Council and to the Roanoke County Board of Supervisors.

ATTEST:

  
Secretary

VOTE: AYES: Dooley, Gust, Porterfield, Lawrence  
NAYS: None  
ABSENT: Minnix

I certify that this is a true teste copy.

  
Cathy S. Bowman, Commission Secretary



# CITY COUNCIL AGENDA REPORT

*T.a.l.*

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** 2014 Violence Against Women Act: V-STOP Grant

## **Background:**

The Department of Criminal Justice Services of the Commonwealth of Virginia has awarded the Roanoke Police Department \$28,193 in grant funding as part of the Violence Against Women Act (V-STOP). The Roanoke Police Department will use the award to fund its existing Domestic Violence Specialist position. The 2014 V-STOP grant award, like previous V-STOP grant awards, requires a local match of \$9,398.

Unfortunately, the 2014 V-STOP grant, like the 2013 and 2012 V-STOP grant awards, was 15% less than the 2011 grant award. To maintain current salary and benefit levels for the position, the City of Roanoke will be required to provide an additional \$10,253 to the 2014 V-STOP grant for a total local match of \$19,651.

The Domestic Violence Specialist is an essential employee who is tasked with providing services to the victims of domestic violence. The Domestic Violence Specialist investigates domestic violence offenses, ensures that victims receive support services throughout their case, prepares cases for prosecution and directs Police Department resources towards apprehending the most dangerous offenders.

## **Recommended Action:**

Accept the 2014 V-STOP Grant described above and authorize the City Manager to execute the grant agreement and any related documents; all such documents to be approved as to form by the City Attorney.

Adopt the accompanying budget ordinance to establish a revenue estimate in the Grant fund for State grant funds of \$28,193, transfer funding in the amount of \$19,651 from account 35-300-9700-5415 to provide the local match funding, and appropriate total funding of \$47,844 for salary and benefits in an account to be established by the Director of Finance in the Grant Fund.

\_\_\_\_\_  
Christopher P. Morrill  
City Manager

**Distribution:** Council Appointed Officers

R. Brian Townsend, Assistant City Manager for Community Development  
Christopher C. Perkins, Chief of Police  
Amelia C. Merchant, Director of Management and Budget

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

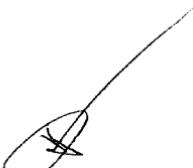
A RESOLUTION authorizing acceptance of the 2014 V-STOP Grant made to the City of Roanoke by the Virginia Department of Criminal Justice Services (DCJS), and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to accept from the Virginia Department of Criminal Justice Services (DCJS), the 2014 V-STOP Grant in the amount of \$28,193, with a required local match of \$9,398 and an additional local match of \$10,253, making total funding of \$47,844, to employ the Police Department's full-time non-sworn Domestic Violence Specialist, as more particularly described in the City Council Agenda Report dated January 21, 2014.
2. The City Manager is hereby authorized to execute and file, on behalf of the City, any documents setting forth the conditions of the grant in a form approved by the City Attorney.
3. The City Manager is further directed to furnish such additional information as may be required in connection with the acceptance of the foregoing grant.

ATTEST:

City Clerk.



7.a.1.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for the Police Department Domestic Violence Program Grant (VSTOP), amending and reordaining certain sections of the 2013-2014 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2013-2014 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

|                         |                  |          |
|-------------------------|------------------|----------|
| Regular Employee Salary | 35-640-3118-1002 | \$35,327 |
| ICMA Retirement         | 35-640-3118-1115 | 3,179    |
| FICA                    | 35-640-3118-1120 | 2,702    |
| Medical Insurance       | 35-640-3118-1125 | 5,748    |
| Dental Insurance        | 35-640-3118-1126 | 349      |
| Life Insurance          | 35-640-3118-1130 | 420      |
| Disability Insurance    | 35-640-3118-1131 | 119      |

Revenues

|                            |                  |        |
|----------------------------|------------------|--------|
| VSTOP Grant CY2014 - State | 35-640-3118-3118 | 28,193 |
| VSTOP Grant CY2014 - Local | 35-640-3118-3119 | 19,651 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



*T.a.2.*

## CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** 2014 Virginia Sexual and Domestic Violence Victim Fund Grant

### **Background:**

The Department of Criminal Justice Services of the Commonwealth of Virginia has awarded the Roanoke Police Department \$31,588 in grant funding as part of the Virginia Sexual and Domestic Violence Victim Fund. There is no local match requirement. The Roanoke Police Department will use the award to partially fund its existing Sexual Violence Specialist position.

The Sexual Violence Specialist was previously funded into a full-time employee position through a combination of general funds and grant funds in the absence of alternative grant funding sources.

The 2014 Virginia Domestic Violence Victim Fund grant is not sufficient to fully cover the salary and benefits of a full time position. To maintain the position as a full time employee at current salary and benefit levels, the City of Roanoke will be required to provide an additional \$20,919 in funding to the 2014 Virginia Domestic Violence Victim Fund grant.

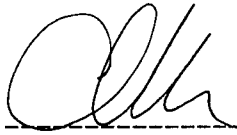
The Sexual Violence Specialist is an essential employee who provides services to the victims of sexual assault. The Sexual Violence Specialist investigates sexual violence offenses, ensures that victims receive support services throughout their case, and prepares cases for prosecution. Beyond the services that the employee provides in their grant funded capacity, they also serve as the Hispanic Outreach Coordinator for the Roanoke Police Department. As the Hispanic Outreach Coordinator they coordinate community events, assist in criminal investigations, and work to improve community relations.

### **Recommended Action:**

Accept the 2014 Virginia Domestic Violence Victim Fund grant described above and authorize the City Manager to execute the grant agreement and any related documents; all such documents to be approved as to form by the City Attorney.

Adopt the accompanying budget ordinance to establish a revenue estimate in the Grant fund for State grant funds of \$31,588, transfer funding in the amount

of \$20,919 from the Grant Match account (35-300-9700-5415) to provide local match funding, and appropriate total funding of \$52,507 for salary and benefits to an account to be established by the Director of Finance in the Grant Fund.

A handwritten signature in black ink, appearing to read 'C. Morrill', is positioned above a horizontal dashed line.

Christopher P. Morrill  
City Manager

Distribution: Council Appointed Officers

R. Brian Townsend, Assistant City Manager for Community Development

Christopher C. Perkins, Chief of Police

Amelia C. Merchant, Director of Management and Budget

*Jim*

*7.a.2.*

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing acceptance of the Virginia Sexual & Domestic Violence Victim Fund (VSDVVF) Grant made to the City of Roanoke by the Virginia Department of Criminal Justice Services (DCJS), and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

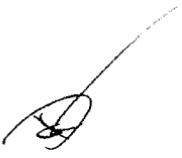
1. The City Manager is hereby authorized on behalf of the City to accept from the Virginia Department of Criminal Justice Services (DCJS), the Virginia Sexual & Domestic Violence Victim Fund (VSDVVF) Grant in the amount of \$31,588, with a local match of \$20, 919, making total funding of \$52,507, for the continued employment of the Police Department's Sexual Violence Specialist and Hispanic Outreach Coordinator, as more particularly described in the City Council Agenda Report dated January 21, 2014.

2. The City Manager is hereby authorized to execute and file, on behalf of the City, any documents setting forth the conditions of the grant in a form approved by the City Attorney.

3. The City Manager is further directed to furnish such additional information as may be required in connection with the acceptance of the foregoing grant.

ATTEST:

City Clerk.



7.a.2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for the Virginia Sexual and Domestic Violence Victim Fund Grant, amending and reordaining certain sections of the 2013-2014 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2013-2014 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

|   |                  |    |        |
|---|------------------|----|--------|
| Appropriations                          |                  |    |        |
| Regular Employee Wages                  | 35-640-3361-1002 | \$ | 36,111 |
| City Retirement                         | 35-640-3361-1105 |    | 6,591  |
| Health Savings                          | 35-640-3361-1117 |    | 361    |
| FICA                                    | 35-640-3361-1120 |    | 2,790  |
| Medical Insurance                       | 35-640-3361-1125 |    | 5,748  |
| Dental Insurance                        | 35-640-3361-1126 |    | 349    |
| Life Insurance                          | 35-640-3361-1130 |    | 434    |
| Disability Insurance                    | 35-640-3361-1131 |    | 123    |
| Revenues                                |                  |    |        |
| Domestic Violence Victim CY2014 - State | 35-640-3361-3361 |    | 31,588 |
| Domestic Violence Victim CY2014 - Local | 35-640-3361-3362 |    | 20,919 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



7.a.3.

## CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** Acceptance and Appropriation of Additional Virginia  
Department of Transportation Federal Transportation  
Enhancement Funds for Roanoke River Greenway Memorial  
Bridge Trail Connector Project

### **Background:**

The City of Roanoke and the Virginia Department of Transportation (VDOT) entered into a Transportation Enhancement Program Agreement dated May 16, 2005, for Project Development and Administration of the Roanoke River Greenway Project. The Agreement was for design and construction of two segments of the Roanoke River Greenway Project from Wasena Park to Ghent Park and a bridge connection to the Tinker Creek Greenway. Under amendments to the original Agreement, the Project was to receive a total of \$1,094,000 in Federal Transportation Enhancement (FTE) Funds, requiring a local match of \$273,500; American Recovery and Reinvestment Act of 2009 (ARRA) funds in the amount of \$1,400,000; federal Open Container (OC) funds in the amount of \$1,300,000; and City funds in the amount of \$67,700, for a total project allocation of \$4,135,200.

The Roanoke River Greenway Tinker Creek Connection portion of the Project has been completed. The Memorial Bridge Trail Connector portion of the Wasena Park to Ghent Park segment of the project remains to be completed.

### **Considerations:**

VDOT has notified the City by letter dated November 13, 2013, of an increase of \$665,443 being provided to the City as an additional allocation of FTE funds. This additional funding from VDOT, together with an additional \$98,660 of City funds to meet the City's required 20% match, increases the total Project funding amount from \$4,135,200 to \$4,899,303, which is reflected in VDOT's Revised Appendix A dated November 12, 2013. A copy of such Revised Appendix A, which updates the project funding amounts to show the current funding allocations, is attached to this Report. The additional City funding of \$98,660 needed to meet the required 20% local match from the City is available in account 08-620-9753, Comprehensive Greenway Trail.

City Council approval is needed to accept the additional FTE funds, authorize an amendment to the above mentioned Agreement with VDOT as shown in the Revised Appendix A referred to above, and appropriate the subject funds to the appropriate account.

**Recommended Action:**


Accept the additional award of Federal Transportation Enhancement program funds from VDOT in the amount of \$665,443, which requires an additional \$98,660 in City funds to meet the 20% required local match as mentioned above and appropriate such funds as set forth below.

Authorize the City Manager to execute the Revised Appendix A to the above mentioned Transportation Enhancement Program Agreement for Project Development and Administration for said Project. Such Revised Appendix A shall be substantially similar to the one attached to this report and shall be in a form approved by the City Attorney.

Authorize the City Manager to take such further actions and execute such further documents as may be necessary to obtain, accept, implement, administer, and use the above funds for the above referenced Project.

Adopt the accompanying Budget Ordinance to:

1. Increase the revenue estimate for the above mentioned VDOT funds by \$665,443 for the Roanoke River Greenway Project and appropriate funding in the same amount to expenditure account 08-620-9200, Roanoke River Greenway / Tinker Creek Bridge.
2. Transfer \$98,660 in additional City funds to meet the required 20% local match funding as set forth above from account 08-620-9753, Comprehensive Greenway Trail, to project expenditure account 08-620-9200, Roanoke River Greenway / Tinker Creek Bridge.



-----  
Christopher P. Morrill  
City Manager

Distribution: Council Appointed Officers  
Sherman M. Stovall, Assistant City Manager for Operations  
Robert K. Bengtson, P.E., Director of Public Works  
Philip C. Schirmer, P.E., L.S., City Engineer  
Stephen C. Buschor, Director of Parks & Recreation

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7.0.3.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of additional Virginia Department of Transportation (VDOT) Enhancement Grant funding for the Roanoke River Greenway Memorial Bridge Trial Connector Project; authorizing the City Manager to execute a Revised Appendix A to the City's Roanoke River Greenway Project Agreement with VDOT; and authorizing the City Manager to take such further actions and execute such further documents as may be necessary to obtain, accept, implement, administer, and use the grant funds for the Roanoke River Greenway Project.

WHEREAS, the City of Roanoke and the Virginia Department of Transportation (VDOT) entered into a Transportation Enhancement Program Agreement dated May 16, 2005, for Project Development and Administration of the Roanoke River Greenway Project, which was authorized by Resolution No. 36942-011805;

WHEREAS, the above Agreement was for the design and construction of two segments of the Roanoke River Greenway Project from Wasena Park to Ghent Park and a bridge connection to the Tinker Creek Greenway;

WHEREAS, under amendments to the original Agreement, authorized by Resolution No. 38750-031510, the Project was to receive a total of \$1,094,000 in Federal Transportation Enhancement (FTE) Funds, requiring a local match of \$273,500; American Recovery and Reinvestment Act of 2009 (ARRA) funds in the amount of \$1,400,000; federal Open Container (OC)

funds in the amount of \$1,300,000; and City funds in the amount of \$67,700, for a total project allocation of \$4,135,200;

WHEREAS, the Roanoke River Greenway Tinker Creek Connection portion of the Project was completed as of April 20, 2012, utilizing approximately \$3.8 million of the above allocated funding;

WHEREAS, VDOT has notified the City by letter dated November 13, 2013, of an increase of \$665,443 being provided to the City as an additional allocation of FTE funds; and

WHEREAS, such additional funding from VDOT, together with an additional \$98,660 of City funds to meet the City's required 20% match, increases the total Project funding amount from \$4,135,200 to \$4,899,303, which is reflected in VDOT's Revised Appendix A dated November 12, 2013.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the additional VDOT Transportation Enhancement Grant funding in the amount of \$665,443, which requires an additional \$98,660 in City funds to meet the required local match, for the Roanoke River Greenway Memorial Bridge Trial Connector Project, all as more particularly set forth in the City Council Agenda Report dated January 21, 2014.

2. The City Manager is hereby authorized to execute a Revised Appendix A to the above mentioned Transportation Enhancement Program Agreement for Project Development and Administration for the Roanoke River Greenway Project. Such Revised Appendix A shall be substantially similar to the one attached to the Agenda Report referred to above and shall be in a form approved by the City Attorney.

3. The City Manager is further authorized to take such further actions and execute such further documents as may be necessary to obtain, accept, implement, administer, and use the above funds for the above referenced Project, any such additional documents to be approved as to form by the City Attorney.

ATTEST:

City Clerk.



7.a.3,

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Virginia Department of Transportation and to transfer funding from the Comprehensive Greenway Trail project to the Roanoke River Greenway/Tinker Creek Bridge project, amending and reordaining certain sections of the 2013-2014 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2013-2014 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

|                                     |                  |            |
|-------------------------------------|------------------|------------|
| Appropriated from General Revenue   | 08-620-9200-9003 | \$ 98,660  |
| Appropriated from State Grant Funds | 08-620-9200-9007 | 665,443    |
| Appropriated from General Revenue   | 08-620-9753-9003 | ( 98,660 ) |

Revenues

|  |                  |         |
|--|------------------|---------|
| Federal Transportation Enhancement<br>Grant – Roanoke River/Tinker Creek | 08-620-9200-9202 | 665,443 |
|--|------------------|---------|

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY COUNCIL AGENDA REPORT

7.a.4.

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** Amendment to Chapter 21, Offenses-Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article XI, Methamphetamine Lab Cleanup

## **Background:**

The Code of Virginia (1950) as amended; §15.2-1716.2 allows localities to obtain reimbursement for Methamphetamine lab cleanup costs from any person convicted of an offense for the manufacture of methamphetamine under Virginia Code § 18.2-248 or § 18.2-248.03. Any person convicted shall at the time of sentencing or in a separate civil action, be liable to the City of Roanoke for restitution of expenses incurred in the cleanup of any methamphetamine lab related to the conviction. The amount charged shall not exceed the actual expenses incurred associated with cleanup, removal or repair of the affected property, or the replacement cost of personal protective equipment used.

The City of Roanoke incurred \$16,820 of cleanup expenses related to the operation of clandestine methamphetamine laboratories during FY13. Similar provisions enabling cost recovery are in place in the codes of the counties of Campbell, Chesterfield, Culpepper, King George, Middlesex, Montgomery, New Kent, Prince George, and Roanoke as well as the cities of Chesapeake, Galax, and Lynchburg.

## **Considerations:**

The proposed amendment will enable the City of Roanoke to be entitled to reimbursement from any person convicted of § 18.2-248 or § 18.2-248.03 for the manufacture of methamphetamine.

Attached to this report is Article XI, Methamphetamine Lab Cleanup ordinance, which incorporates editorial and clarifying changes.

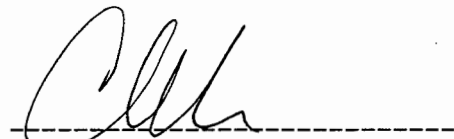
## **Recommended Action:**

Adopt the proposed amendment to Chapter 21, Offenses- Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article XI, Methamphetamine Lab Cleanup attached to this report to establish a cost recovery mechanism effective March 31, 2014, and as set forth therein.

Authorize the City Manager to take all steps necessary and/or advisable, in his discretion, to implement an effective transition of Chapter 21 of the Code of the

City of Roanoke (1979), as amended, prior to the effective date of Article X, including, but not limited to, developing policies, forms, procedures, and manuals necessary to implement Chapter 21, Offenses- Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article XI, Methamphetamine Lab Cleanup.

Authorize the City Manager to take such other actions and to execute such further documents, approved as to form by the City Attorney, as may be necessary to establish, implement, and enforce the Methamphetamine Lab Cleanup ordinance.

A handwritten signature in black ink, appearing to read 'C. Morrill', is written over a horizontal dashed line.

Christopher P. Morrill  
City Manager

Distribution: Council Appointed Officers  
Brian Townsend, Assistant City Manager for Community Development  
Sherman Stovall, Assistant City Manager for Operations  
Christopher Perkins, Chief of Police

043

7.a.4.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Chapter 21, Offenses – Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article XI, Methamphetamine Lab Cleanup, Chapter 21, Offenses – Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The Code of the City of Roanoke, Virginia (1979), as amended, is hereby amended and reordained by the addition of new Article XI, Methamphetamine Lab Cleanup, Chapter 21, Offenses - Miscellaneous, to read and provide as follows:

Chapter 21, Offenses – Miscellaneous

\* \* \*

*Article XI. Methamphetamine Lab Cleanup.*

*Sec. 21-228. Methamphetamine Laboratory Cleanup Cost Recovery.*

*Pursuant to Virginia Code Section 15.2-1716.2, as amended, Methamphetamine lab cleanup costs; localities may charge for reimbursement. Any person convicted of an offense for the manufacture of methamphetamine under Virginia Code Section 18.2-248 or Section 18.2-248.03 shall, at the time of sentencing or in a separate civil action, be liable to the City of Roanoke for restitution of expenses incurred in the cleanup of any methamphetamine lab related to the conviction. The amount charged shall not exceed the actual expenses incurred associated with cleanup, removal or repair of the affected property, or the replacement cost of personal protective equipment used.*

2. This Ordinance shall become effective on March 31, 2014.

3. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.



7.a.5.

## CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** Amendment to Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke, Virginia (1979), as amended, by amending Article I, Sec. 30-13.1 Use of wheelbarrows, handcarts, bicycles, skates, etc., on sidewalks

### Background:

The use of wheelbarrows, handcarts, bicycles, skates, etc. on sidewalks in the City of Roanoke is regulated by Article I, Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke, Virginia (1979), as amended. Section 30-13.1 in its current form does not include skateboards as a mode of wheeled transportation, nor does it govern the operation of wheeled transportation within public parks or plazas.

The proposed amendment will expand the definition of wheeled transportation devices governed by Sec. 30-31.1 to include skateboards and the regulated terrain to include other hardscape surfaces within a public park or plaza. The proposed amendment will also eliminate the age exemption from the section.

### Considerations:

To ensure access for families with small children and the disabled, the amendment to Sec. 30-13.1 includes creating an exemption that shall not prohibit the use of baby carriages, strollers or related modes of transportation of infants, or the use of wheelchairs and wheelchair conveyance used for the transportation of disabled persons or electric power-assisted bicycles or motorized scooters equipped with a seat used for the transportation of disabled persons when such device has a state-issued placard for the disabled prominently displayed thereon.

### Recommended Action:

Adopt the proposed amendment to Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke, Virginia (1979), as amended, by amending Article I, Sec. 30-13.1 Use of wheelbarrows, handcarts, bicycles, skates, etc., on sidewalks attached to this report to establish regulations effective March 31, 2014, and as set forth therein and amending the section title to Use of wheelbarrows, handcarts, bicycles, skates, skateboards, etc., on sidewalks or other hardscape within a public park or plaza ordinance.

Authorize the City Manager to take all steps necessary and/or advisable, in his discretion, to implement an effective transition of Chapter 30 of the Code of the City of Roanoke (1979), as amended, including, but not limited to, developing policies, forms, procedures, and manuals necessary to implement Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke, Virginia (1979), as amended, by amending Article I, Sec. 30-13.1 Use of wheelbarrows, handcarts, bicycles, skates, skateboards, etc., on sidewalks or other hardscape within a public park or plaza ordinance.

Authorize the City Manager to take such other actions and to execute such further documents, approved as to form by the City Attorney, as may be necessary to establish, implement, and enforce the use of wheelbarrows, handcarts, bicycles, skates, skateboards, etc., on sidewalks or other hardscape within a public park or plaza ordinance.



-----  
Christopher P. Morrill  
City Manager

Distribution: Council Appointed Officers  
Brian Townsend, Assistant City Manager for Community Development  
Sherman Stovall, Assistant City Manager for Operations  
Christopher Perkins, Chief of Police

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Section 30-13.1, Use of wheelbarrows, handcarts, bicycles, skates, etc., on sidewalks, Article I. In General, of Chapter 30, Streets and Sidewalks, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The Code of the City of Roanoke, Virginia (1979), as amended, is hereby amended and reordained to read and provide as follows:

Chapter 30, Streets and Sidewalks

Article I. In General

\* \* \*

**Sec. 30-13.1. Use of wheelbarrows, handcarts, bicycles, skates, skateboards, etc., on sidewalks, *or other hardscape within a public park or plaza.***

- (a) No person shall operate, on any sidewalk, any wheelbarrow, handbarrow, handcart, handcarriage or other carriage or vehicle, whatever, except in passing directly across such sidewalk for the purpose of delivering goods or other articles. This subsection shall not prohibit the use of *baby carriages, strollers or related modes of transportation of infants, or the use of wheelchairs and wheelchair conveyance used for the transportation of disabled persons or electrical personal assistive mobility devices, electric power-assisted bicycles or motorized scooters equipped with a seat used for the transportation of disabled persons when such device has a state-issued placard for the disabled prominently displayed thereon* ~~carriages or wheelchairs used to carry infants or invalids~~

~~on the sidewalks~~, nor shall this subsection prohibit the placement of a street vending cart permitted pursuant to section 30-9.2 of this Code or maneuvering of such cart to an authorized street vending site.

- (b) No person, except a law enforcement officer in the performance of his official duties, shall ride any bicycle, including bicycles equipped with training wheels, on any sidewalk.
- (c) No person ~~fifteen (15) years of age or older~~ shall use any sidewalk for roller skating, *skateboarding*, ice skating, sleighing or playing or riding upon any other similar toy or device on wheels or runners.
- (d) *No person shall use any sidewalk, walkway or hardscape within a public park, amphitheater or plaza for roller skating, skateboarding, ice skating, sleighing or playing or riding upon any other similar toy or device on wheels or runners, except for those areas specifically designated for such use by signage posted by the City. For the purposes of this subsection hardscape shall be defined as any sidewalk, walkway, bench, bleacher, ramp, stage wall, terrace, railing, stairs or staircase located within a public park, amphitheater or plaza.*

2. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

3. This Ordinance shall become effective on March 31, 2014.

ATTEST:

City Clerk.



*T.A.C.*

## CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** Acceptance of Conveyance of Real Property Located at 502 Williamson Road, S.E. (Official Tax Map No. 4013322) from the City of Roanoke Redevelopment and Housing Authority

### Background:

The City of Roanoke Redevelopment and Housing Authority (RRHA) serves to promote affordable housing and redevelopment of property for the benefit of the citizens of Roanoke. As a part of its effort, RRHA developed the Downtown East Redevelopment Project, revised June 1980 and acquired various parcels of property, including real property situated at 502 Williamson Road, S.E., consisting of approximately 25,417 sq. ft. (0.5835 acres) of land, designated as Official Tax Map No. 4013322, and depicted on a plat as New Lot 6 as shown on the Revised Map of Downtown East Renewal Project, made by David Dick, Certified Engineer and Surveyor, dated December 5, 1975, and recorded in the Office of the Clerk of the Circuit Court of the City of Roanoke, Virginia, in Map Book 1, Page 234, (the "Property"). RRHA has used the Property as a surface parking lot in conjunction with an adjacent parcel. In 2002, and following adoption of Council Resolution No. 36091-101502, the City and RRHA entered a Parking Lot Management Agreement dated October 15, 2002, to allow the City to provide management and operation services for two (2) surface lots in the City; namely (a) the Bullitt Avenue Surface Lot located at the corner of Bullitt Avenue and Williamson Road involving the Property and other property of RRHA, Official Tax Map No. 4013321; and (b) the Church Avenue Surface Lot located on the corner of Church Avenue and Williamson Road, Official Tax Map No. 4011413.

In August, 2013, after numerous discussions and extensive study with the City, RRHA determined that several properties owned by RRHA, including the Property, are not necessary for any current development plans by RRHA. As a result, the Commissioners of RRHA adopted Resolution 3754 on August 28, 2013, to transfer the Property, and other properties, to the City.

The City and RRHA had intended to effectuate the transfer of all such properties at one time. However, the City and RRHA have not completed their due diligence with respect to certain properties at this time. The City and RRHA desire to complete the transfer of this Property at this time because a portion of the Property is a part of the improvement project at Elm Avenue and I-581 and the Virginia Department of Transportation (VDOT) is planning to acquire

easements and a fee interest in small portions of the Property. VDOT proposes to pay the sum of \$89,585 for acquisition of said rights and interests. VDOT would like to conclude with the City VDOT's acquisition of the interests VDOT needs in portions of the Property. The City cannot proceed with a transaction with VDOT until the City owns the Property.

RRHA will transfer title to the Property by general warranty deed substantially similar in form and substance to the deed attached to this Report (the "Deed"). The City will purchase owner's title insurance in connection with this transfer and the title insurance policy will provide the City with coverage in the amount of the assessed value of the Property (\$709,000). The City will make no payment to RRHA for this transfer of Property at this time. The City has agreed to provide RRHA with the sum of \$10,000 from the proceeds to be received from VDOT to cover costs of RRHA in connection with the transfer of the Property along with the other properties to be conveyed to the City.

**Recommended Action:**

Accept the transfer of the Property as described in this report and authorize the City Manager to acknowledge acceptance of the Deed that is substantially similar to the Deed attached to this Report, in a form approved by the City Attorney.

Authorize the City Manager to execute any documents necessary to effectuate the transfer of the Property to the City, with such documents to be in a form approved by the City Attorney.

Authorize the City Manager to take such further actions and execute such further documents as may be necessary to acquire, accept, administer, implement, and effectuate the transfer of the Property to the City, including any amendments to the Parking Lot Management Agreement between RRHA and the City, all such documents to be approved as to form by the City Attorney.



-----  
Christopher P. Morrill  
City Manager

Distribution: Council Appointed Officers  
Sherman Stovall, Assistant City Manager for Operations  
Susan Lower, Director of Real Estate Valuation  
Debbie Moses, Parking Coordinator

*This Document Prepared By and Return To:*  
*B. Webb King (VSB No.: 47044)*  
*Woods Rogers PLC*  
*P.O. Box 14125*  
*Roanoke, VA 24038-4125*

*Tax Map Reference No.: 4013322 (502 Williamson Road, SE, Roanoke, VA)*  
*Title Insurance Underwriter: Fidelity National Title Insurance Company*  
*Consideration: \$-0-; Assessed Value: \$709,000.00*  
*Grantee's address: Noel C. Taylor Municipal Building, Room 364, 215 Church Avenue, S.W., Roanoke, VA 24011*

**EXEMPT FROM GRANTOR'S TAX, SECTION 58.1-811.C.4., CODE OF VIRGINIA  
AND EXEMPT FROM GRANTEE'S TAX, SECTION 58.1-811.A.3, CODE OF  
VIRGINIA.**

THIS DEED, made and entered into this \_\_\_\_\_ day of January, 2014, by and between  
the **CITY OF ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY**, a political  
subdivision of the Commonwealth of Virginia, Grantor, and the **CITY OF ROANOKE,**  
**VIRGINIA**, a municipal corporation organized and existing under the laws of the  
Commonwealth of Virginia, Grantee.

WITNESSETH

THAT, WHEREAS, by resolution adopted by the Board of Commissioners of the  
Grantor at a meeting of said Board held on August 26, 2013, the transfer of the hereinafter  
described property to the Grantee was authorized and the Executive Director of Grantor was  
authorized, for and on behalf of the Grantor, to execute this deed conveying the hereinafter  
described property to the Grantee.

NOW, THEREFORE, THIS DEED WITNESSETH: That for and in consideration of the  
sum of TEN DOLLARS (\$10.00) cash in hand paid by Grantee unto Grantor, and other good and  
valuable consideration, the receipt whereof is hereby acknowledged, the Grantor does hereby

BARGAIN, SELL, GRANT and CONVEY, with General Warranty and Modern English Covenants of Title, unto Grantee, all that certain lot or parcel of land located in the City of Roanoke, Virginia, more particularly described as follows:

New Lot 6 as shown on the Revised Map of Downtown East Renewal Project, made by David Dick, Certified Engineer and Surveyor, dated December 5, 1975, and recorded in the Office of the Clerk of the Circuit Court of the City of Roanoke, Virginia in Map Book 1, Page 234.

BEING all or part of the same property conveyed to the City of Roanoke Redevelopment and Housing Authority by the following two deeds: (1) from the City of Roanoke by deed dated August 3, 1971, recorded August 5, 1971, in the aforesaid Clerk's Office in Deed Book 1297, page 286; (2) from Ernest W. Mitchell and Madge H. Mitchell, his wife, by deed dated June 1, 1971, recorded June 17, 1971, in the aforesaid Clerk's Office in Deed Book 1294, page 436; and (3) acquired by Order of Court dated October 20, 1971, and recorded May 2, 1972, in the aforesaid Clerk's Office in Deed Book 1310, Page 745.

This conveyance is made subject to all easements, restrictions, conditions and reservations of record affecting the property hereby conveyed.

Pursuant to Ordinance No. \_\_\_\_\_ adopted by Roanoke City Council on January 21, 2014, the City Of Roanoke, Virginia, by and through its duly authorized City Manager, accepts this conveyance in accordance with Section 15.2-1803, Code of Virginia, (1950), as amended.

**[SIGNATURE PAGES FOLLOW]**

WITNESS the signature and seal of the Grantor by its duly-authorized officer as of the  
day and year first above written.

**CITY OF ROANOKE REDEVELOPMENT  
AND HOUSING AUTHORITY**

By \_\_\_\_\_ (SEAL)  
Its Executive Director

COMMONWEALTH OF VIRGINIA)

CITY OF ROANOKE )

to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of January,  
2014, by Glenda Edwards Goh, Executive Director of the City of Roanoke Redevelopment and  
Housing Authority, on behalf of the Authority.

\_\_\_\_\_  
Notary Public

Registration No. \_\_\_\_\_

My commission expires: \_\_\_\_\_

WITNESS the following signature and seal:

**CITY OF ROANOKE, VIRGINIA**

By: \_\_\_\_\_  
Christopher P. Morrill  
City Manager

COMMONWEALTH OF VIRGINIA) to-wit:  
CITY OF ROANOKE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of January, 2014, by Christopher P. Morrill, City Manager of the City of Roanoke, Virginia, on behalf of the City.

\_\_\_\_\_  
Notary Public

Registration No. \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Daniel J. Callaghan      Date  
Roanoke City Attorney

*Handwritten signature*

*T.a.b.*

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE accepting the transfer of certain real property, together with any buildings and improvements thereon, situated at 502 Williamson Road, S.E., Roanoke, Virginia, Official Tax Map No. 4013322 (Property) from the City of Roanoke Redevelopment and Housing Authority (RRHA); authorizing the City Manager to execute all documents and take such other actions necessary to acquire, accept, implement, administer, and effectuate the transfer of the Property to the City, including executing any amendments to a Parking Lot Management Agreement dated October 15, 2002, between the City and RRHA; and dispensing with the second reading by title of this Ordinance.

WHEREAS, RRHA serves to promote affordable housing and redevelopment of property for the benefit of the citizens of Roanoke;

WHEREAS, RRHA has worked with City staff to review certain properties which RRHA currently owns with the intention of determining the best use of such properties;

WHEREAS, RRHA, in consulting with City staff, has determined that RRHA has no immediate plans for development of several parcels of real property, including the Property, and has decided to transfer these parcels of real property to the City;

WHEREAS, the City is reviewing the title and the conditions of each parcel of real property that RRHA proposes to transfer to the City and, at this time, the City is prepared to accept the transfer of the above parcel designated as the Property for the reasons set forth in the

City Council Agenda Report dated January 21, 2014, with the other parcels to be considered by Council at a later date;

WHEREAS, the Property is currently used as a surface parking lot that is managed by the City pursuant to a Parking Lot Management Agreement, dated October 15, 2002, by and between the City and RRHA (Parking Lot Agreement);

WHEREAS, portions of the Property are needed to complete improvements being made by the Virginia Department of Transportation (VDOT) for the I-581 and Elm Avenue improvement project and VDOT desires to expedite its acquisition of certain rights in the Property;

WHEREAS, the City and RRHA are willing to complete the transfer of the Property at this time in order to cooperate with VDOT;

WHEREAS, following acquisition of the Property, the City will consider by future Council action the transfer of certain rights and interests in portions of the Property to VDOT;

WHEREAS, as a result of the transfer of the Property to the City, the City and RRHA may need to amend certain terms of the Parking Lot Agreement with respect to the transfer of ownership of the Property to the City;

WHEREAS, Section 2-263, of the Code of the City of Roanoke (1979), as amended, requires City Council to accept a gift in excess of \$5,000 and the assessed value of the Property is \$709,000;

WHEREAS, the City Manager recommends to City Council to accept the transfer of the Property from RRHA to the City as more particularly set forth in the City Council Agenda Report dated January 21, 2014; and

WHEREAS, City Council has determined that the transfer of the Property from RRHA to the City will benefit the City and its citizens.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Council accepts the transfer of the Property from RRHA to the City in accordance with the terms of the proposed general warranty deed (Deed), a copy of which Deed is attached to the City Council Agenda Report dated January 21, 2014. Council accepts the transfer of the Property pursuant to Section 2-263, Code of the City of Roanoke (1979), as amended.

2. Council authorizes the City Manager to accept the Deed on behalf of the City in accordance with Section 15.2-1803, Code of Virginia (1950), as amended, the Deed to be substantially similar to the Deed attached to the City Council Agenda Report dated January 21, 2014, and the form of the Deed to be approved by the City Attorney.

3. The City Manager is further authorized to take such further actions and execute such further documents as may be necessary to acquire, accept, effectuate, implement, and administer the transfer and acceptance of the Property to the City from RRHA, including without limitation, executing such amendments to the Parking Lot Agreement as may be necessary as a result of the transfer of title of the Property to the City and obtaining owner's title insurance for the Property. All such documents shall be approved as to form by the City Attorney.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance, by title, is hereby dispensed with.

5. This Ordinance is effective as of the date of its passage.

ATTEST:

City Clerk.



B.a.

**ROANOKE CITY  
PUBLIC SCHOOLS**

Strong Students. Strong Schools. Strong City.

January 21, 2014

School Board

The Honorable David Bowers, Mayor  
and Members of Roanoke City Council  
Roanoke, VA 24011

*Todd A. Putney*  
*Chairman*

*Suzanne P. Moore*  
*Vice Chairman*

Dear Members of Council:

*William B. Hopkins, Jr.*  
*Mae G. Huff*  
*Annette Lewis*  
*Lori E. Vaught*  
*Richard Willis*

As a result of official School Board action on Tuesday, January 14, 2014, the Board respectfully requests that City Council approve the appropriation requests below:

*Dr. Rita D. Bishop*  
*Superintendent*

| <u>New Appropriations</u>                 | <u>Award</u> |
|---|--------------|
| Project Graduation 2013-14                | \$21,695     |
| Career Switcher Mentoring Program 2013-14 | \$2,000      |

*Cindy H. Poulton*  
*Clerk of the Board*

On behalf of the School Board, thank you for your consideration.

Sincerely,

Cindy H. Poulton  
Clerk

pc: Dan Callaghan  
Chris Morrill  
Ann Shawver  
Todd A. Putney

Rita D. Bishop  
Margaret Lindsey  
Acquenatta Harris (w/details)



# CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** School Board Appropriation Request

## Background/Considerations:

As the result of official School Board action at its January 14, 2014 meeting, the Board respectfully requested that City Council appropriate funding as outlined in this report.

The Career Switcher Mentoring Program 2013-14 grant of \$2,000 provides state funds per career switch to enable school divisions to provide a teacher mentor for each new teacher who has entered the profession through an alternative career switcher route. This program will be fully reimbursed by state funds and will end June 30, 2014. This is a new program.

The Project Graduation Academic Year Academy 2013-14 grant of \$21,695 provides funds for remedial high school instruction for seniors needing verified credits to graduate and for sophomores and juniors who passed a class but failed the associated SOL exam. This program will be fully reimbursed by state funds and will end May 15, 2014. This is a continuing program.

## Recommended Action:

We recommend that Council concur with this report of the School Board and adopt the attached budget ordinance to establish revenue estimates and to appropriate funding as outlined.

A handwritten signature in black ink, appearing to read "Ann H. Shawver", is written over a horizontal dashed line.

Ann H. Shawver  
Director of Finance

Distribution: Council Appointed Officers  
Rita D. Bishop, Superintendent, RCPS  
Margaret Lindsey, Executive Director of Fiscal Services, RCPS

8.a.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth governments grants for various educational programs, amending and reordaining certain sections of the 2013-2014 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2013-2014 School Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

|                                     |   |          |
|-------------------------------------|---|----------|
| Teacher Stipends                    | 302-110-0000-1000-318H-61100-41129-9-01 | \$ 1,858 |
| Social Security                     | 302-110-0000-1000-318H-61100-42201-9-01 | 142      |
| Teacher Stipends-Patrick Henry      | 302-110-0000-0390-322H-61100-41129-3-10 | 6,718    |
| Social Security-Patrick Henry       | 302-110-0000-0390-322H-61100-42201-3-10 | 514      |
| Teacher Stipends- William Fleming   | 302-110-0000-0400-322H-61100-41129-3-10 | 6,718    |
| Social Security-William Fleming     | 302-110-0000-0400-322H-61100-42201-3-10 | 514      |
| Teacher Stipends-Forest Park Acad.  | 302-110-0000-1304-322H-61100-41129-3-10 | 6,717    |
| Social Security-Forest Park Academy | 302-110-0000-1304-322H-61100-42201-3-10 | 514      |

Revenues

|                      |   |        |
|----------------------|---|--------|
| State Grant Receipts | 302-000-0000-0000-318H-00000-32467-0-00 | 2,000  |
| State Grant Receipts | 302-000-0000-0000-322H-00000-32415-0-00 | 21,695 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

*H. Callaghan*

*10.a.*

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION appointing a Director on the Board of Directors of the Economic Development Authority of the City of Roanoke, Virginia to fill the remaining portion of an unexpired four (4) year term on its Board of Directors.

WHEREAS, the Council is advised that F. Gordon Hancock, a Director on the Board of Directors of the Economic Development Authority of the City of Roanoke, Virginia, resigned effective December 31, 2013, from a position the term of which is to expire October 20, 2015, and the vacancy has not been filled; and

WHEREAS, §15.2-4904, Code of Virginia (1950), as amended, provides that appointments made by the governing body of such Directors shall, after initial appointment, be made for terms of four (4) years, except appointments to fill vacancies which shall be for the remainder of the unexpired term.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that Braxton Naff is hereby appointed as a Director on the Board of Directors of the Economic Development Authority of the City of Roanoke, Virginia, to fill the remaining portion of the four (4) year term of F. Gordon Hancock which commenced on October 21, 2011, and will expire on October 20, 2015.

ATTEST:

City Clerk.



## CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council

**Meeting:** January 21, 2014

**Subject:** Application by BGGT, LLC to rezone property, repeal all conditions proffered as part of a previous rezoning, and amend the planned - unit development plan for the property located at 0 (Zero) Roberts Road, bearing Official Tax No. 1290108. The application is to rezone the property from CG, Commercial-General District, with conditions, and MXPUD, Mixed Use Planned Unit Development, with conditions, to MXPUD, Mixed Use Planned Unit Development. The conditions proposed for repeal, adopted through the enactment of Ordinance Nos. 34406-080299 and 32777-121895, require the property to be developed in substantial conformity to a site plan by Lumsden and Associates, dated October, 11, 1995; restrict on-street parking; limit on-site signage; require submittal of development plans for each phase to the Planning Commission; limit the use of the commercially zoned portion of the property to community center, general offices, fitness center, medical clinic, restaurant, hotel/motel/inn, or group care facility; and restrict access to the site from Roberts Road. The application is to permit construction of seven (7) single family houses with a changed site configuration and amenities instead of condominium units and a community center, general offices, fitness center, medical clinic, restaurant, hotel/motel/inn, or group care facility previously permitted by the Mixed Use Planned Unit Development Plan (MXPUD), Ordinance 34406-080299, adopted by City Council on August 2, 1999.

### Recommendation

The Planning Commission held a public hearing on Tuesday, January 14, 2014. By a vote of 6-0, the Commission recommended approval of the rezoning request, finding the Amended Application No. 1 is consistent with the City's Comprehensive Plan, *Franklin Road/Colonial Avenue Plan*, and Zoning Ordinance as a portion of existing residential and commercial property will be redeveloped for a use appropriate to the surrounding area.

## Application Information

|                                   |   |
|-----------------------------------|---|
| <i>Request:</i>                   | Rezoning, Amendment of Proffered Conditions, and Amendment of Planned Unit Development Plan             |
| <i>Owner:</i>                     | VB Land, LLC  |
| <i>Applicant:</i>                 | Alexander Boone, BGGT, LLC  |
| <i>Authorized Agent:</i>          | Sean Horne, Balzer and Associates Inc.  |
| <i>City Staff Person:</i>         | Katharine Gray, Land Use and Urban Design Planner   |
| <i>Site Address/Location:</i>     | 0 Roberts Road  |
| <i>Official Tax Nos.:</i>         | 1290108   |
| <i>Site Area:</i>                 | 5.039 acres   |
| <i>Existing Zoning:</i>           | CG, Commercial General District and MXPUD, Mixed Use Planned Unit Development District, with conditions |
| <i>Proposed Zoning:</i>           | MXPUD, Mixed Use Planned Unit Development District  |
| <i>Existing Land Use:</i>         | Vacant  |
| <i>Proposed Land Use:</i>         | Dwelling, single-family detached  |
| <i>Neighborhood Plan:</i>         | <i>Franklin Road/Colonial Avenue Plan</i>   |
| <i>Specified Future Land Use:</i> | General Commercial and Mixed Residential  |
| <i>Filing Date:</i>               | Original Application: December 5, 2013<br>Amended Application No. 1: January 7, 2014                    |

## Background

On December 21, 1995, City Council adopted Ordinance No. 32777-121895 rezoning six tracts of land containing approximately 60.53 acres to RPUD, with conditions, and C-2, with conditions, with a development plan for a planned residential community by Friendship Manor Retirement Community, Inc. The phased development was to contain 216 housing units, made up of 79 courtyard homes, 41 townhomes and 96 condominium units, and a community center, general offices, fitness center, medical clinic, and group care facility.

On August 02, 1999, City Council adopted Ordinance No. 34406-080299 amending the proffered conditions governing the development of the property. This was one on many sequential rezonings and amendments of planned unit development that have altered the character of the final development of the approximately 60.53 acres from the 216 housing units and a community center, general offices, fitness center, medical clinic, and group care facility that were originally proposed to the community of mostly single family detached dwellings that exist in Southwood today.

In October 2013, members of the project team met with City staff to discuss an amendment to the Planned Unit Development Plan as it pertains to Official Tax No. 1290108. They proposed to build seven single-family detached dwellings in place of the commercial development and condominiums previously planned for the parcel.

In December 2013, BGGT, LLC filed an application to rezone property, repeal all conditions proffered as part of a previous rezoning, and amend the planned unit development plan for the property located at 0 (Zero) Roberts Road, bearing Official Tax No. 1290108. The planned unit development plan shows 7 single-family units with front loaded garages accessed by individual or shared driveways. The lots would be accessed by a private street consisting of a 25 foot roadway, three foot planting strips, four foot sidewalks, and large deciduous trees.

In January 2014, BGGT, LLC filed Amended Application No. 1. They proposed to change the end of the street to a seventy foot cul-de-sac with no on-street parking and add a natural buffer area on the steep slopes below the housing units.

### **Conditions Requested for Repeal and Proffered by the Applicant**

The applicant requests that the following proffered conditions adopted by the enactment of Ordinance Nos. 34406-080299 and 32777-121895, be repealed as they pertain to the subject portion of Official Tax Number 1290108:

1. That the property will be developed in substantial conformity with the Site Plan prepared by Lumsden and Associates, dated 10/11/95, a copy of which is attached hereto, with the exception of that property relating to the site plan proffered in connection with the Petition to Rezone filed by Southwood of Roanoke Community, Inc., seeking to rezone a 4.3 acre portion of Tax Map No. 1290107 from C-2 to RPUD and to develop said 4.3 acres in substantial conformity with the site plan entitled "Petition to Rezone Southwood of Roanoke Community, Inc." Said site plan entitled, "Petition to Rezone Southwood of Roanoke Community, Inc." is hereby filed and proffered (Exhibit "3"), subject to any changes required by the City during site plan review.
2. No parallel on-street parking will be permitted on streets less than 30 feet in width serving residential units.
3. On-site signage will be limited to identification signage at the main entrance and identification and directional signage within the development.
4. Comprehensive development plans for each phase of development will be submitted to the Planning Commission of review and approval pursuant to Article V of the Zoning Ordinance.
5. That the portion of the parcel identified as Official Tax No. 1290108 which is zoned C-2, General Commercial District, shall be used only for the purpose of operating a community center, general offices, fitness center, medical clinic, restaurant, hotel/motel or a group care facility subject to Section 36.1-560 of the Code of the City of Roanoke (1979), as amended.

6. Upon issuance of a Certificate of Occupancy for any use in development, access to the site from the Roberts Road neighborhood shall be limited to:
  - a. emergency vehicles;
  - b. construction traffic associated with the development;
  - c. access to the existing occupied dwellings until these dwellings or residents are displaced by new construction.

As a MXPUD, the development plan attached to this amendment is binding for future development. Development guidelines are listed directly on the development plan.

## Considerations

### Surrounding Zoning and Land Use:

|              | <i>Zoning District</i>                             | <i>Land Use</i>   |
|--------------|--|---|
| <i>North</i> | R-5, Residential Single-Family District            | Vacant, and Dwelling, Single-Family Detached  |
| <i>South</i> | MXPUD, Mixed Use Planned Unit Development District | Dwelling, Single-Family Detached  |
| <i>East</i>  | CG, Commercial-General District                    | Vacant, Motor Vehicle Repair or Service Establishment, Eating and Drinking Establishment, Tattoo Parlor, Retail Sales Establishment |
| <i>West</i>  | MXPUD, Mixed Use Planned Unit Development District | Dwelling, Single-Family Detached  |

### Compliance with the Zoning Ordinance:

The proposed development plan fulfills most objectives stated in the purpose of the MXPUD District. The plan provides for compatible architecture in keeping with the surrounding neighborhood; accommodations for automobiles and pedestrians; efficient management of quality and quantity of stormwater; addition of large street trees to provide shade and separate pedestrians from vehicular traffic; and the preservation of steep slopes.

### Conformity with the Comprehensive Plan and Neighborhood Plan:

*Vision 2001- 2020* and the *Franklin Road/Colonial Avenue Neighborhood Plan* emphasize housing choice, environmental quality, transportation options and efficient land use through good design.

Relevant *Vision 2001-2020* policies:

The following policies of *Vision 2001- 2020* are relevant in the consideration of this application:

NH P5. Housing choice. The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City.

EC P3. Viewsheds. Roanoke will protect steep slopes, ridgetops, and viewsheds within the City as important environmental and scenic resources and will cooperate regionally to protect such resources located outside of the City.

EC P4. Environmental quality. Roanoke will protect the environment and ensure quality air and water for citizens of the region. Storm water will be addressed on a regional as well as local level. (Note EC A13 and EC A15 which state that impervious surfaces should be limited to reduce runoff and that the integrity of storm and water systems should be ensured.)

EC P5. Trees. Roanoke will maintain and increase its tree canopy coverage as a way to improve air quality.

Staff is concerned that the proposed amendment has reduced housing choice to only single-family units. Many positive features would remain, however, including narrow streets with sidewalks and large deciduous trees; preservation of existing trees and steep slopes.

Relevant *Franklin Road/Colonial Avenue Neighborhood Plan* Policies:

The following recommendations of the *Franklin Road/Colonial Avenue Neighborhood Plan* are relevant in the consideration of this application:

#### Community Design

- Franklin Road Area: Require new developments to incorporate urban amenities (e.g. sidewalks and curbs), and mixed-use commercial and residential) where possible.

#### Residential Development

- New development: New development should be well-planned and use limited land resources wisely.

#### Infrastructure

- Streetscapes: Streetscapes should be well maintained, attractive and functional for pedestrian, bicycle and motor traffic.
- Street width: Streets should be kept at the minimum width necessary to accommodate vehicular traffic and on- street parking.

#### City Department Comments:

- T-Turnaround at the end of the proposed street extension should be changed to a cul-de-sac.
- Turnaround for fire trucks must be provided
- Steep slope preservation should be noted on development plan
- Review storm water management requirements

Applicant filed Amended Application No.1 addressing the comments listed above.

Public Comments:

None.

Planning Commission Work Session:

Connectivity to Roberts Road is usually desired.

Staff Response: There is a steep slope and the location of the previous access road is blocked by existing residences. Connection to Roberts Road is not practical. In the subdivision ordinance, we now limit the grade on a street (see 31.1-400, Table 400-2), to a 16% maximum slope. And, the fire code standards specify 10% grade maximum. If the new road follows the current path – average grade is about 12% but portions would exceed 16% - otherwise substantial earthwork would be needed, likely counter to goals of preserving vegetation, etc. on steep slopes. This would be counter to subdivision ordinance provisions.

Planning Commission Public Hearing Discussion:

None.

  
\_\_\_\_\_  
Lora Katz, Chair  
City Planning Commission

cc: Chris Morrill, City Manager  
R. Brian Townsend, Assistant City Manager  
Chris Chittum, Director of Planning Building & Development  
Daniel J. Callaghan, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Andy Agee, VB Land, LLC  
Alexander Boone, BGGT, LLC  
Sean Horne, Balzer and Associates, Inc.

# Zoning Amendment Application



Department of Planning, Building and Development  
Room 166, Noel C. Taylor Municipal Building  
215 Church Avenue, S.W.  
Roanoke, Virginia 24011  
Phone: (540) 853-1730 Fax: (540) 853-1230

RECEIVED

JAN 07 2014

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CITY OF ROANOKE  
PLANNING BUILDING AND DEVELOPMENT

Date: Jan 7, 2014

Submittal Number: Amended Application No. 1

## Request (select all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Rezoning, Not Otherwise Listed                       | <input checked="" type="checkbox"/> Amendment of Proffered Conditions     |
| <input type="checkbox"/> Rezoning, Conditional                                | <input type="checkbox"/> Amendment of Planned Unit Development Plan       |
| <input checked="" type="checkbox"/> Rezoning to Planned Unit Development      | <input type="checkbox"/> Amendment of Comprehensive Sign Overlay District |
| <input type="checkbox"/> Establishment of Comprehensive Sign Overlay District |   |

## Property Information:

Address: 0 Roberts Road

Official Tax No(s): 1290108

Existing Base Zoning:

(If multiple zones, please manually enter all districts.)

CG and MXPUD (WITH CONDITIONS)

☒ With Conditions

☐ Without Conditions

Ordinance No(s). for Existing Conditions (If applicable): 34406-080299

Requested Zoning: MXPUD

Proposed Land Use: Residential

## Property Owner Information:

Name: VB Land LLC

Phone Number: +1 (540) 769-8518

Address: 36 Church Ave Roanoke VA 24011

E-Mail: andyagee@myvalleybank.com

Property Owner's Signature:

## Applicant Information (if different from owner):

Name: BGGT, LLC

Phone Number: +1 (540) 278-1365

Address: c/o Alexander Boone 3922 Electric Road, Suite 1A, Roanoke VA 24018

E-Mail: aboone@boonehomes.net

Applicant's Signature:

## Authorized Agent Information (if applicable):

Name: Balzer and Associates Inc. -- Sean Horne

Phone Number: +1 (540) 772-9580

Address: 1208 Corporate Circle Roanoke VA 24018

E-Mail: shorne@balzer.cc

Authorized Agent's Signature:

**IN RE:**

**BGGT, LLC, APPLICANT,  
ON BEHALF OF  
OWNER OF RECORD OF 0 ROBERTS ROAD  
VB LAND, LLC**

**APPLICATION FOR  
REZONING TO PLANNED UNIT DEVELOPMENT AND  
AMENDMENT OF PROFFERED CONDITIONS  
0 Roberts Road, SW, Roanoke, Virginia**

**Official Tax Number 1290108 (the "Property")**

**January 7, 2013<sup>4</sup>**

**I. INTRODUCTION AND REQUEST FOR REZONING TO PLANNED UNIT  
DEVELOPMENT AND AMENDMENT OF PROFFERED CONDITIONS**

Pursuant to Section 36.1-690 of the Code of the City of Roanoke (1979), as amended, BGGT, LLC, a Virginia limited liability company ("BGGT" or "Applicant"), respectfully submits the following written narrative in support of its application for a Rezoning to Planned Unit Development and Amendment of Proffered Conditions, as follows:

A. Applicant hereby requests that Official Tax No. 1290108 be rezoned from General Commercial, C-2 (Conditional), and Mixed Planned Unit Development to Mixed Planned Unit Development in substantial conformance with the Plan of Development by Balzer Associates dated December 4, 2013 and revised January 3, 2014 (the "Plan of Development"), filed simultaneously with Applicant BGGT's Application, for the development of residential lots and the subsequent construction of residential housing as generally shown on the Plan of Development.

B. Applicant hereby requests that the following proffered conditions enacted by Ordinance No. 34406-080299 be removed as they pertain to Official Tax No. 1290108 as summarized below:

1. That the property will be developed in substantial conformity with the Site Plan prepared by Lumsden and Associates, dated 10/11/95, a copy of which is attached hereto, with the exception of that property relating to the site plan proffered in connection with the Petition to Rezone filed by Southwood of Roanoke Community, Inc., seeking to rezone a 4.3 acre portion of Tax Map No. 1290107 from C-2 to RPUD and to develop said 4.3 acres in substantial conformity with the site plan entitled "Petition to Rezone Southwood of Roanoke Community, Inc." Said site plan entitled, "Petition to Rezone Southwood of Roanoke Community, Inc." is hereby filed and proffered

(Exhibit "3"), subject to any changes required by the City during site plan review.

2. No parallel on-street parking will be permitted on streets less than 30 feet in width serving residential units.
3. On-site signage will be limited to identification signage at the main entrance and identification and directional signage within the development.
4. Comprehensive development plans for each phase of development will be submitted to the Planning Commission of review and approval pursuant to Article V of the Zoning Ordinance.
5. That the portion of the parcel identified as Official Tax No. 1290108 which is zoned C-2, General Commercial District, shall be used only for the purpose of operating a community center, general offices, fitness center, medical clinic, restaurant, hotel/motel or a group care facility subject to Section 36.1-560 of the Code of the City of Roanoke (1979), as amended.
6. Upon issuance of a Certificate of Occupancy for any use in development, access to the site from the Roberts Road neighborhood shall be limited to:
  - a. emergency vehicles;
  - b. construction traffic associated with the development;
  - c. access to the existing occupied dwellings until these dwellings or residents are displaced by new construction.

## **II. NARRATIVE IN SUPPORT OF APPLICATION**

The removal of the above Proffers in concert with BGGT's Plan of Development and proposed use of the Property further the City's Comprehensive Plan and offer an efficient, attractive and compatible use for the Property for the reasons more fully set forth in this Written Narrative.

### **A. DESCRIPTION OF PROPOSED USE AND DEVELOPMENT OF THE PROPERTY**

BGGT and VB Land, LLC entered into a Purchase Agreement dated September 4, 2013, for the purchase and sale of the Property. BGGT previously purchased lots situated in the Coach Homes of Southwood community adjacent to the Property, including the lot known as 3205 Northshire Court, Official Tax Number 1291212, which parcel is immediately adjacent to a portion of the Property. BGGT proposes to extend Northshire Court in the Coach Homes of Southwood community into the Property to create an additional seven (7) residential lots, four (4) of which would be similar to the zero lot line lots currently contained in Coach Homes of

Southwood, with the remaining three (3) lots proposed to be accessed from a private road for larger, more traditional single family residential housing, all as more substantially shown on the accompanying Plan of Development. BGGT contemplates the seven (7) new lots being annexed into the Coach Homes of Southwood Property Owners Association, Inc. by the developer of the Coach Homes of Southwood, Boone Homes, Inc. of Roanoke.

## **B. JUSTIFICATION FOR THE CHANGE**

The proposed Rezoning of the Property to Mixed Planned Unit Development from C~~4~~, Conditional, and MXPUD to Planned Unit Development and Amending the Proffered Conditions is necessary in order that BGGT may use the Property for the residential purpose that is compatible with the adjoining properties and that is a logical use for the Property itself. BGGT additionally requests that the proffered conditions on the remaining portion of the Property be removed and amended in accordance with the Plan of Development to permit single family residential development and construction as more particularly set forth on the Plan of Development.

The topography of the Property is not compatible for commercial or multifamily development because the steep grade on a large portion of the Property would require massive and very expensive grading that would make development for the permitted uses such as a Hotel/Motel, General Office, Medical Clinic or Group Care Home economically infeasible. Additionally, these currently permitted commercial uses of the Property are neither compatible nor supportive of the adjacent communities comprising the Southwood planned unit development.

## **C. EFFECT OF THE PROPOSED AMENDMENT ON THE SURROUNDING NEIGHBORHOOD**

BGGT believes that the request contained in its Application is beneficial for the Property and the adjoining neighborhoods. The Southwood planned community has evolved differently than as contemplated in the initial zoning file for the Property, Ordinance No. 32777-121895, adopted December 18, 1995, and subsequent Ordinance No. 34406-08029, adopted August 18, 1999. While the original Southwood section (Section 1 of Southwood), upon information and belief, has one or two duplexes, the community is overwhelmingly single family residential. BGGT's proposed use is entirely compatible with the current use of adjacent properties for residential single family housing. The townhomes and multifamily residential products set forth in Ordinance No. 32777-121895, adopted December 18, 1995, and Ordinance No. 34406-08029, adopted August 18, 1999, were not realized due to what must have been market conditions and demand.

BGGT's proposed use of the Property shall result in less traffic to Franklin Road, Duke of Gloucester Street, Kingsbury Road, the entire Southwood community, Somercroft Court, Northshire Court and Roberts Road as currently entitled. The amount of traffic generated by BGGT's proposed use of the Property shall be of a compatible and virtually identical nature as currently experienced in the surrounding Southwood community. Roberts Road should not experience any permanent impact from BGGT's proposal. From a practical perspective, traffic

generated from the addition of seven (7) residential lots and subsequent homes shall have no material impact on the number of vehicular trips per day.

Importantly, the Plan of Development includes the continuation of the sidewalks from the Coach Homes of Southwood into the Property to access the four (4) lots that front Northshire Court. The sidewalks contained in the Plan of Development support the City's goal of pedestrian communities that encourage neighborly interaction and good health. The sidewalks at Southwood actively are used by its residents.

The extension of Northshire Court will be constructed with the same street cross section that currently exists and will terminate with a City approved cul-de-sac and on street parking will not be permitted.

Storm Water Management for the Property will be provided for this development as required by the City of Roanoke.

The Plan of Development utilizes the efficient use and development of land by developing lots compatible in size and character with those throughout the entire Southwood planned unit community, the Coach Homes of Southwood and, specifically, Northshire Court, which BGGT proposes to extend into the Property. BGGT intends to maintain the development pattern already established throughout Southwood with the exception of the three (3) larger lots to be accessed off the proposed private road, which provide the opportunity to maintain space on the Property that is generally wooded and, thus, a benefit to the entire community. Further, a buffer of existing vegetation has been established on the Plan of Development to protect the steep slopes and retain a significant area of existing vegetation.

Importantly, the proposed use of the Property protects the neighbors on Roberts Road, which is situated below the Property. The proposed use does not seek to create a permanent entrance on Roberts Road, which could increase the volume of traffic through the neighborhood.

#### **D. AVAILABILITY OF OTHER SIMILARLY ZONED PROPERTIES IN THE GENERAL AREA AND IN THE CITY**

There are limited opportunities for new single family housing in the City of Roanoke. The opportunity to expand Southwood and the no maintenance housing option it offers is limited to the Property. Southwood is the premier low maintenance lifestyle, gated community in the City of Roanoke and the entire Roanoke Valley. At this time, BGGT is not aware of another property in the general area or in the City of Roanoke that is available on which to expand the existing Southwood community or to create a community similar to Southwood.

#### **E. RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN AND THE APPLICABLE NEIGHBORHOOD PLAN**

The proposed commercial uses as outlined in Ordinance No. 32777-121895, adopted December 18, 1995, and Ordinance No. 34406-08029, adopted August 18, 1999, presently encumbering the Property are outdated for today's market based on the overall residential nature of the Southwood community and market demand. Medical and general offices, hotels/motels, restaurants and groups care facilities are not viable projects for the Property. Moreover, they are not compatible uses with the surrounding Southwood community. Commercial development would increase traffic, require a difficult, expensive and damaging development process due to topographical challenges and generally serve to disrupt the harmony of what has become one of the City of Roanoke's most popular communities. With experience building in the Coach Homes of Southwood and countless other communities across the Roanoke and New River Valleys, BGGT's Plan of Development will enhance the already attractive Coach Homes of Southwood community and support the City's Comprehensive Plan to create higher priced housing to attract and retain a diverse population to the City of Roanoke, as well as offer buyers a new home option in the City of Roanoke.

For the reasons more particularly set forth in its Application, this Narrative and the Plan of Development, BGGT respectfully requests that the City of Roanoke adopt its Application for Rezoning to Planned Unit Development and Amendment of Proffered Conditions as set forth on the Plan of Development in accordance with the provisions of the Zoning Ordinance of the City of Roanoke, Commonwealth of Virginia.

### **EXHIBIT 3**

**The Members of BGGT, LLC, a Virginia limited liability company, are as follows:**

- 1. ABRE Holdings, LLC, a Virginia limited liability company,  
Alexander Boone, Member**
- 2. Graham Construction, Inc., a Virginia corporation  
Bradley M. Graham and Kelly G. Gladden, Shareholders**
- 3. Thomas, Ltd., a Virginia corporation  
Joseph C. Thomas, Jr. and Julia Thomas Arthur, Shareholders**

## EXHIBIT 4

Northshire Court Rezoning  
Tax Parcel # 1290108

### Legal Description

BEGINNING at a point in the center of Roberts Road, Southwest, 50 feet in width, N. 45°07' W. 29.14 feet from the Northwest corner of Lot 1, Block 2, as shown by the Map of Section I, Greer Hill, recorded in the Clerk's Office of the Circuit Court (formerly Hustings Court) of the City of Roanoke, Virginia, in Map Book 1, Page 96; thence S. 45°07'E. 242.70 to an iron pin; thence S. 44°02' E. 14.47 feet to an iron pin; thence S. 41°52'28"W. 97.69 feet to a point; thence S. 35°07' E. 102.56 feet to an iron pin; thence S. 35° 00'30"W. 100 feet to an iron pin; thence S. 21°40'40"W. 161.37 feet to the Northeastern line of the property of Clubview Corporation; thence along the line of Clubview Corporation, N. 46°49'30" W. 787.20 feet to a point in the center of Roberts Road (not dedicated) the following courses and distances: N.36°30'E. 36.5 feet to a point; N. 47°55'E. 100 feet to a point; N. 72°53' E. 100 feet to a point; S. 60°42' E. 80 feet to a point; S. 55°16'E. 90 feet to a point; S. 76°03'E. 90 feet to a point; and N. 78°39'E. 93.83 feet to the place of BEGINNING, and containing an area of 5.039 acres more or less.

JAN 07 2014

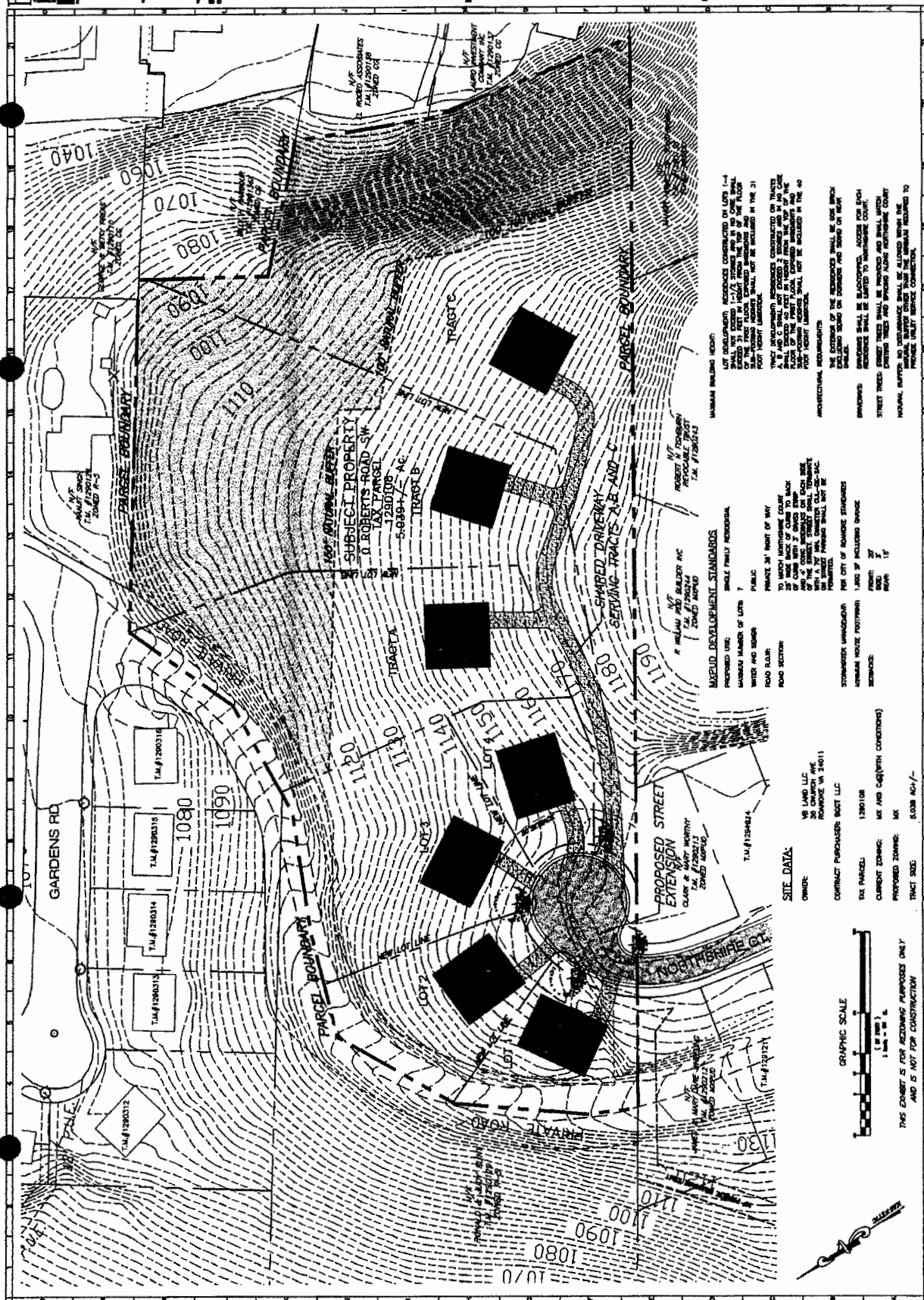
CITY OF ROANOKE, VIRGINIA

## DEVELOPMENT PLAN

NORTHSHIRE COURT

SEARCHED BY SMS  
INDEXED BY SMS  
SERIALIZED BY SMS  
FILED 12-4-13  
FBI - MEMPHIS  
CALL 1-301  
TELEPHONE:  
1-3-2014

EX-1



RECEIVED

JAN 07 2014

CITY OF ROANOKE  
PLANNING BUILDING AND DEVELOPMENT

EX-2  
12-4-13

| NUMBER | SECTION | AREA | PERCENTAGE |
|--------|---------|------|------------|
| 1      | 1       | 1.00 | 100.00     |
| 2      | 2       | 1.00 | 100.00     |
| 3      | 3       | 1.00 | 100.00     |
| 4      | 4       | 1.00 | 100.00     |
| 5      | 5       | 1.00 | 100.00     |
| 6      | 6       | 1.00 | 100.00     |
| 7      | 7       | 1.00 | 100.00     |
| 8      | 8       | 1.00 | 100.00     |
| 9      | 9       | 1.00 | 100.00     |
| 10     | 10      | 1.00 | 100.00     |
| 11     | 11      | 1.00 | 100.00     |
| 12     | 12      | 1.00 | 100.00     |
| 13     | 13      | 1.00 | 100.00     |
| 14     | 14      | 1.00 | 100.00     |
| 15     | 15      | 1.00 | 100.00     |
| 16     | 16      | 1.00 | 100.00     |
| 17     | 17      | 1.00 | 100.00     |
| 18     | 18      | 1.00 | 100.00     |
| 19     | 19      | 1.00 | 100.00     |
| 20     | 20      | 1.00 | 100.00     |
| 21     | 21      | 1.00 | 100.00     |
| 22     | 22      | 1.00 | 100.00     |
| 23     | 23      | 1.00 | 100.00     |
| 24     | 24      | 1.00 | 100.00     |
| 25     | 25      | 1.00 | 100.00     |
| 26     | 26      | 1.00 | 100.00     |
| 27     | 27      | 1.00 | 100.00     |
| 28     | 28      | 1.00 | 100.00     |
| 29     | 29      | 1.00 | 100.00     |
| 30     | 30      | 1.00 | 100.00     |
| 31     | 31      | 1.00 | 100.00     |
| 32     | 32      | 1.00 | 100.00     |
| 33     | 33      | 1.00 | 100.00     |
| 34     | 34      | 1.00 | 100.00     |
| 35     | 35      | 1.00 | 100.00     |
| 36     | 36      | 1.00 | 100.00     |
| 37     | 37      | 1.00 | 100.00     |
| 38     | 38      | 1.00 | 100.00     |
| 39     | 39      | 1.00 | 100.00     |
| 40     | 40      | 1.00 | 100.00     |
| 41     | 41      | 1.00 | 100.00     |
| 42     | 42      | 1.00 | 100.00     |
| 43     | 43      | 1.00 | 100.00     |
| 44     | 44      | 1.00 | 100.00     |
| 45     | 45      | 1.00 | 100.00     |
| 46     | 46      | 1.00 | 100.00     |
| 47     | 47      | 1.00 | 100.00     |
| 48     | 48      | 1.00 | 100.00     |
| 49     | 49      | 1.00 | 100.00     |
| 50     | 50      | 1.00 | 100.00     |

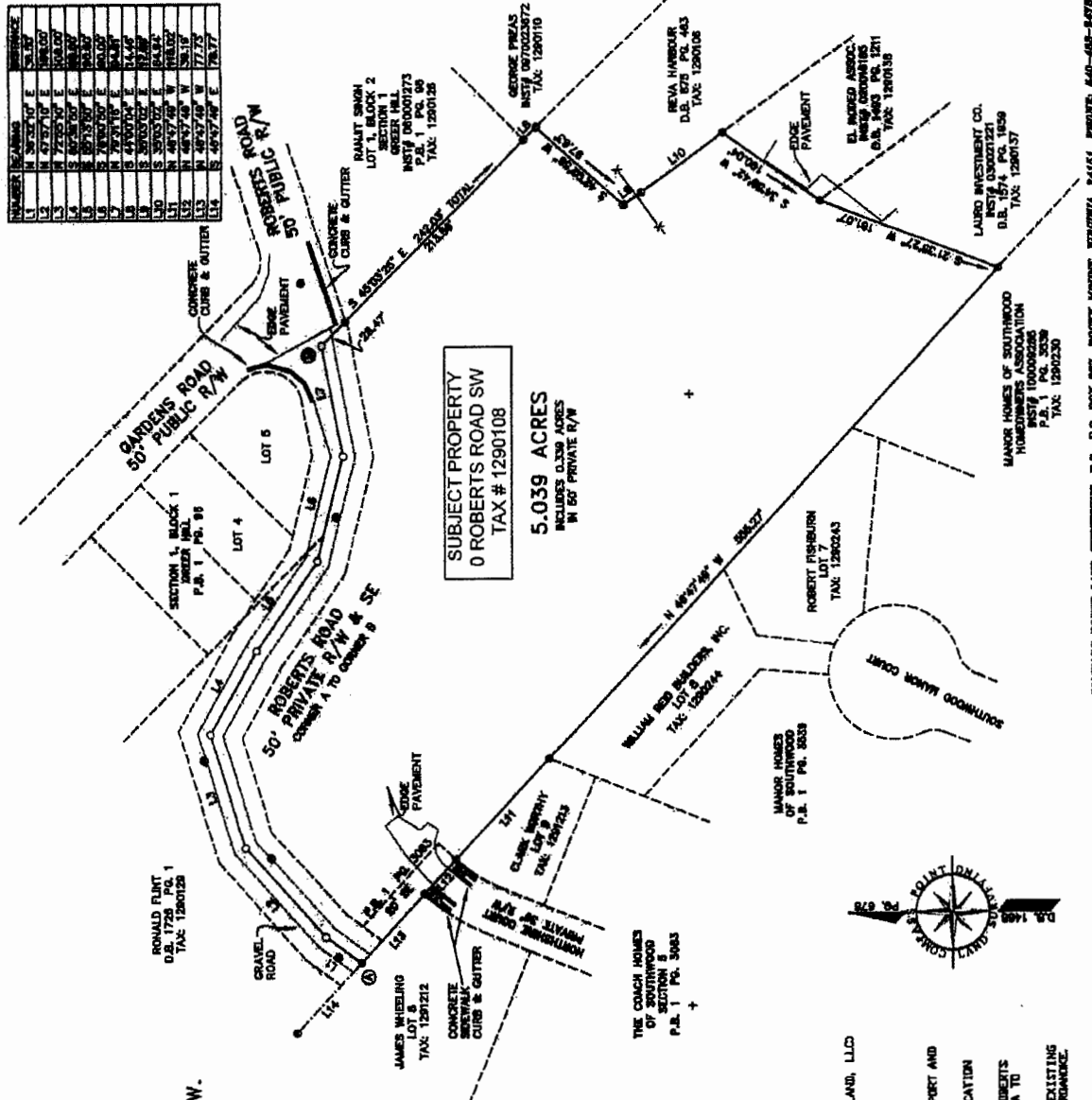
# SURVEY FOR VB LAND, LLC

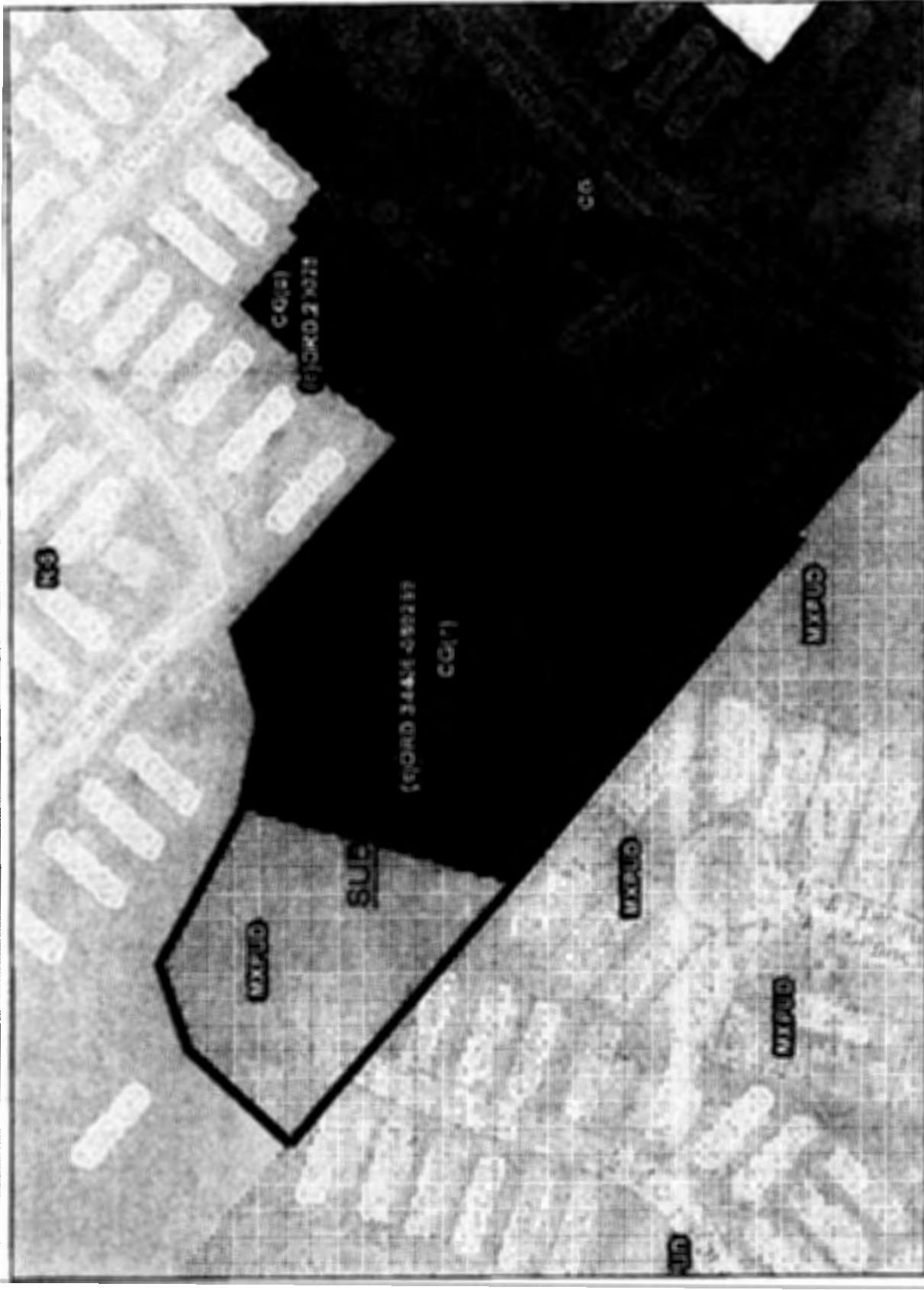
5.039 ACRES  
BEING ALL OF TAX: 1290108  
SITUATED ALONG ROBERTS ROAD, S.W.  
CITY OF ROANOKE, VIRGINIA  
SURVEYED APRIL 30, 2013  
JOB NO. 32-13



- LEGEND**
- SURVEYED PROPERTY LINE
  - EXISTING PROPERTY LINE
  - DEED LINE
  - SET 1/4" REBAR
  - FOUND 1/2" REBAR
  - SEWER MANHOLE
  - POINT
  - SEWER EXHUMPT
  - WELL
  - SHADING
  - CONCRETE

- NOTES**
- LEGAL REFERENCE: INSTRUMENT NUMBER 130002276 (VB LAND, LLC) JUDICIAL BOOK 1465, PAGE 679 (PLAT)
  - TAX REFERENCE: 1290108 (VB LAND, LLC)
  - PROPERTY LOCATED IN FEMA FLOOD HAZARD ZONE X.
  - SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
  - PROPERTY SERVED BY UNDERGROUND UTILITIES, EXACT LOCATION UNKNOWN.
  - SURVEYED PROPERTY LINE FOLLOWS THE CENTERLINE OF ROBERTS ROAD, A 30 FOOT PRIVATE RIGHT OF WAY, FROM CORNER A TO CORNER B.
  - THIS PLAT REPRESENTS A CURRENT FIELD SURVEY OF AN EXISTING PARCEL AND DOES NOT REQUIRE REVIEW BY THE CITY OF ROANOKE.





# NORTHSHIRE COURT REZONING

EXISTING ZONING MAP

| TAXID    | LOCADDR                 | OWNER                                | OWNERADDR1                 | MAILCTY | MAILSTATE | MAINZIPCOD |
|----------|-------------------------|--------------------------------------|----------------------------|---------|-----------|------------|
| 1290110  | 3113 FRANKLIN RD SW     | PREAS GEORGE R                       | 3107-A FRANKLIN RD SW      | ROANOKE | VA        | 24014      |
| 1290126  | 3026 ROBERTS RD SW      | SINGH RANJIT                         | 3026 ROBERTS SW            | ROANOKE | VA        | 24014      |
| 1290129  | 0 ROBERTS RD SW         | FLINT RONALD & JUDY                  | 4060 JAE VALLEY RD SE      | ROANOKE | VA        | 24014      |
| 1290136X | 0 FRANKLIN RD SW        | HARBOUR BILLY H                      | 3121 FRANKLIN RD SW        | ROANOKE | VA        | 24014      |
| 1290137  | 3137 FRANKLIN RD SW     | LAURO INVESTMENT COMPANY INC         | 3137 FRANKLIN RD SW        | ROANOKE | VA        | 24014      |
| 1290138  | 3133 FRANKLIN RD SW     | EL RODEO ASSOCIATES                  | 3133 FRANKLIN RD SW        | ROANOKE | VA        | 24014      |
| 1290230  | 3215 FRANKLIN RD SW     | MANOR HOMES OF SOUTHWOOD HOMEOWNER   | 5007 CARRIAGE DR STE 102   | ROANOKE | VA        | 24018      |
| 1290235  | 0 NORTHSHIRE CT SW      | THE COACH HOMES OF SOUTHWOOD HOMEOWN | 2772 ELECTRIC RD SW STE #2 | ROANOKE | VA        | 24018      |
| 1290243  | 3226 SOUTHWOOD MANOR CT | THE ROBERT N FISHBURN REVOCABLE TRUS | 3226 SOUTHWOOD MANOR CT    | ROANOKE | VA        | 24015      |
| 1290244  | 3225 SOUTHWOOD MANOR CT | R WILLIAM REID BUILDER INC           | 5007 CARRIAGE DR STE 102   | ROANOKE | VA        | 24018      |
| 1290313  | 1022 GARDENS RD SW      | HUBBELL CYNTHIA                      | 1022 GARDENS RD SW         | ROANOKE | VA        | 24014      |
| 1290314  | 1016 GARDENS RD SW      | TUCKER DORR M JR & JO ANN O          | 1016 GARDENS RD SW         | ROANOKE | VA        | 24014      |
| 1290315  | 1012 GARDENS RD SW      | DUDLEY MARK F                        | 6338 STONECROFT CT         | ROANOKE | VA        | 24018      |
| 1290316  | 1002 GARDENS RD SW      | FISHER EARL J & BRENDA S             | 1002 GARDENS RD SW         | ROANOKE | VA        | 24014      |
| 1290322  | 1001 GARDENS RD SW      | TRUONG TRI NGOC & RU THI HOANG       | 1001 GARDENS RD SW         | ROANOKE | VA        | 24014      |
| 1291212  | 3205 NORTHSHIRE CT SW   | WHEELING JAMES R                     | 3205 NORTHSHIRE CT         | ROANOKE | VA        | 24014      |
| 1291213  | 3204 NORTHSHIRE CT SW   | WORTHY CLARK H                       | 3204 NORTHSHIRE CT         | ROANOKE | VA        | 24014      |

**Subject Property**

### Conditional Zoning

### Base Zoning District

Residential Single-Family, R-12

Residential Single-Family, R-5

Residential Mixed Density RM.1

**Resident Medical Officer, BME**

XVII, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601,

Commercial-General, Co.

## Downtown, D

Recreation and Open Space, ROS

**Light Industrial,**

### Airport Development AD

**INSTITUTIONAL BOARD OF DIRECTORS**

**THE UNIVERSITY OF CHICAGO**



0 50 100 200 Feet

1 inch = 200 feet



B.I.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by repealing Ordinance No. 34406-080299, adopted August 2, 1999, and Ordinance No. 32777-121895, adopted December 18, 1995, to the extent that they placed conditions on property bearing Official Tax Map No. 1290108; by rezoning such lot to Mixed Use Planned Unit Development (MXPUD); and by amending the Planned Unit Development Plan, as it pertains to the aforementioned property; and dispensing with the second reading of this ordinance by title.

WHEREAS, BGGT, LLC has made application to the Council of the City of Roanoke, Virginia ("City Council"), to repeal Ordinance No. 34406-080299, adopted August 2, 1999, and Ordinance No. 32777-121895, adopted December 18, 1995, to the extent that they placed certain conditions on property located at 0 (Zero) Roberts Road, bearing Official Tax Map No. 1290108, to rezone such lot from CG, Commercial-General District, with conditions, and Mixed Use Planned Unit Development (MXPUD), with conditions, to Mixed Use Planned Unit (MXPUD), and to amend the Planned Unit Development Plan, as it pertains to such property, to permit construction of seven (7) single family houses with a changed site configuration and amenities instead of condominium units and a community center, general offices, fitness center, medical clinic, restaurant, hotel/motel/inn, or group care facility previously permitted by the Mixed Use Planned Unit Development Plan (MXPUD), Ordinance No. 34406-080299, adopted on August 2, 1999;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on January 21, 2014, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed repealing of Ordinance No. 34406-080299, adopted August 2, 1999, and Ordinance No. 32777-121895, adopted December 18, 1995, rezoning the property; the rezoning of such property as set forth above; and amending the Planned Unit Development Plan pertaining to the property; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to this Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the actions sought and described in this Ordinance and the Zoning Amended Application No. 1 dated January 7, 2014, and for those reasons is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Ordinance No. 34406-080299, adopted August 2, 1999, and Ordinance No. 32777-121895, adopted December 18, 1995, to the extent they placed certain conditions on property located at 0 (Zero) Roberts Road, bearing Official Tax Map No. 1290108, are hereby REPEALED, as set forth in the Zoning Amended Application No. 1 dated January 7, 2014, and that §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map,

City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect such action.

2. That the property located at 0 (Zero) Roberts Road, bearing Official Tax Map No. 1290108, be rezoned from CG, Commercial-General District, with conditions, and Mixed Use Planned Unit Development (MXPUD), with conditions, to Mixed Use Planned Unit Development (MXPUD), as set forth in the Zoning Amended Application No. 1 dated January 7, 2014, and that §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect such action.

3. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect the amendment of the Planned Unit Development Plan, as it pertains to the property bearing Official Tax No. 1290108, as set forth in the Zoning Amended Application No. 1 dated January 7, 2014.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk



## CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council

**Meeting:** January 21, 2014

**Subject:** Application by James T. and Linda P. Hullett to rezone property located at 1817 Indiana Ave, NE, bearing Official Tax No. 3060810. The application is to rezone the property from RM-1, Residential Mixed Density District, to I-1, Light Industrial District, with a condition. The condition is that the site will be developed in substantial conformity to a proffered development plan.

### Recommendation

The Planning Commission held a public hearing on Tuesday, January 14, 2014. By a vote of 6-0, the Commission recommended approval of the rezoning request, finding the Amended Application No. 1 is consistent with the City's Comprehensive Plan, *Hollins/Wildwood Area Plan*, and Zoning Ordinance as an existing property will be redeveloped with the expansion of an existing business in a manner appropriate to the surrounding area.

### Application Information

|                                   |  |
|-----------------------------------|--|
| <b>Request:</b>                   | Rezoning   |
| <b>Owner:</b>                     | James T. & Linda P. Hullett, Paul Bunyan Tree Service                                |
| <b>Applicant:</b>                 | None   |
| <b>Authorized Agent:</b>          | Lane Dellinger, Paul Bunyan Tree Service   |
| <b>City Staff Person:</b>         | Katharine Gray, Land Use and Urban Design Planner                                    |
| <b>Site Address/Location:</b>     | 1817 Indiana Ave NE  |
| <b>Official Tax Nos.:</b>         | 3060810  |
| <b>Site Area:</b>                 | 0.3581 acres   |
| <b>Existing Zoning:</b>           | RM-1, Residential Mixed Density District   |
| <b>Proposed Zoning:</b>           | I-1 Light Industrial District  |
| <b>Existing Land Use:</b>         | Dwelling, single-family detached and storage building                                |
| <b>Proposed Land Use:</b>         | Equipment storage building   |
| <b>Neighborhood Plan:</b>         | <i>Hollins/Wildwood Area Plan</i>  |
| <b>Specified Future Land Use:</b> | Single/Two Family  |
| <b>Filing Date:</b>               | Original Application: December 5, 2013<br>Amended Application No. 1: January 6, 2014 |

## Background

In March 2013, a representative of Paul Bunyan Tree Service, Inc. met with City staff to discuss building a proposed equipment storage building adjacent to their current contractor/tradesman facility at 1734 11<sup>th</sup> Street, N.E. on the adjacent lot at 1817 Indiana Avenue, N.E. The lots that the current facility and proposed facility are located on are between 11<sup>th</sup> Street, N.E. on the east and Indiana Avenue, N.E. on the west. The lot the existing business is located on has particular constraints with a septic system and drainage field that makes additional construction or expansion impossible. There is no sanitary sewer in the area and none is planned due to the geological formations in the area. The proposed building would be constructed on the adjacent parcel and replace a detached single family dwelling and storage building currently located there. The parcel is zoned RM-1 and the proposed use is not permitted in the current RM-1 district.

In December 2013, the owner filed an application to rezone tax map number 3060810 located at 1817 Indiana Avenue, N.E. The application included a development plan to reflect the applicant's proposed development for the site. The applicant proposes to remove the single family dwelling and build an equipment storage building with the main access off of 11<sup>th</sup> Street N.E. with a landscaping buffer along the western edge of the property closest to the adjacent residential area.

In January 2014, the owner filed Amended Application No. 1. They proposed to add a fence around the property, and further detailed the planting and building information.

## Conditions Proffered by the Applicant

The development plan attached to this amendment is binding for future development. Development guidelines are listed directly on the development plan. The applicant proffers that the Property will be developed in substantial conformity with the development plan prepared by Pierson Engineering & Surveying, dated January 06, 2014, a copy of which is attached as Exhibit 1 to this application, subject to any changes that may be required by the City during comprehensive development plan review.

## Considerations

### Surrounding Zoning and Land Use:

|              | <i>Zoning District</i>                   | <i>Land Use</i>  |
|--------------|--|--|
| <i>North</i> | I-1, Light Industrial District           | Contractor's Shop, Heavy Construction                    |
| <i>South</i> | I-1, Light Industrial District           | Contractor or Tradesman's Shop, general or special trade |
| <i>East</i>  | I-1, Light Industrial District           | Contractor's Shop, Heavy Construction                    |
| <i>West</i>  | RM-1, Residential Mixed Density District | Vacant   |

### Compliance with the Zoning Ordinance:

The purpose of the I-1 District is to provide for a range of wholesale, warehousing, distribution, storage, repair and service, assembly or processing, fabrication or manufacturing, accessory commercial and office uses, intensive commercial uses, and other types of uses such as flex space. The regulations of the I-1 District are intended to mitigate conflict between adjacent uses within the district and to protect neighboring nonindustrial districts and uses.

Development on the parcel will be subject to zoning ordinance requirements that protect the neighboring residential parcels from any negative effects.

### Conformity with the Comprehensive Plan and Neighborhood Plan:

Both *Vision 2001-2020* and the *Hollins/Wildwood Area Plan* recognize the need to nurture growth of existing businesses while protecting the physical and social fabrics of the existing neighborhood. The neighborhood has developed differently than envisioned 100 years ago. Survey plats from 1911 and 1919 indicate that the neighborhood was planned for residential development. However, that development did not fully occur as planned resulting in residential development surrounded by industrial and commercial development along Hollins Road, Orange Avenue, and the border of Tinker Creek. This particular site is located in a transition zone between vacant, residential, industrial, and commercial properties that forms a narrow band between three areas targeted for industrial redevelopment. As such, industrial redevelopment can occur in a manner that both accommodates growth of an existing business while creating a good transition in form and use from industrial to residential in the area in which the property is located. The change in zoning will allow for development that better reflects the forms and uses along the 11<sup>th</sup> Street N.E. industrial corridor that the existing business is located on while protecting the vacant residential properties on the opposite side of Indiana through specific landscape buffers and building design.

Relevant *Vision 2001-2020* policies:

The following policies of *Vision 2001- 2020* are relevant in the consideration of this application:

#### 3.3.2 Industrial Development Map

ED P1. Economic base. Roanoke will have a sustainable, diverse economic base that supports target industries in biotechnology, optics, information technology/software, transportation-related manufacturing and services, and supporting business services.

ED P5. Industrial development. Underutilized and vacant industrial sites will be evaluated and redevelopment encouraged. Local policies and incentives and state economic incentives will strengthen the businesses and industries in the Enterprise Zones and provide jobs.

While the existing tree service business is not in a target industry, such service/contracting entities are part of the overall economic base of the City and can be considered supporting business services. As such, reasonable expansion of such an existing, necessary business should be encouraged based on the above policy statements.

Vision further defines how an industrial center should be designed to not only provide for a sustainable, diverse economy, but to also blend well with the character of surrounding areas and thoroughfares.

#### Industrial centers

Industrial centers are intended to serve as employment hubs that attract workers from the City and the region. These centers are typically located along arterial roads or interstate highways. They are characterized by large sites with perimeter fencing, outdoor storage, deep setbacks, and large expanses of parking. These centers sometimes have adjacent land uses that are incompatible and discourage expansion or redevelopment opportunities.

#### *Design Principles:*

- Outdoor storage should be shielded from public view, and perimeter fencing should be attractive.
- Site development should be maximized through reduced parking spaces, increased lot coverage, and parcels developed along street frontages. Shared parking should be encouraged.
- Parking lots should have multiple vehicular entrances that are clearly marked and attractively landscaped. Parking lots should have trees located in the interior of the site and along street frontages. Connectivity within centers and with existing collector and arterial streets should be encouraged.
- Excessive lighting should be discouraged.

The proffered development plan provides for more landscape screening than required by the zoning ordinance between industrial and residential uses. And the placement and orientation of openings in the building towards the 11th Street N.E. side of the property protects the adjacent residential areas from light and traffic.

#### *Relevant Hollins/Wildwood Area Plan Policies:*

The following recommendations of the *Hollins/Wildwood Area Plan* are relevant in the consideration of this application:

#### **Economic Development**

- **Industrial Districts:** Industrial uses should have sufficient land to operate, and have a minimal impact on adjoining properties.

#### Infrastructure

- Curb, Gutter and Sidewalk Improvements: New developments and arterial and collector streets should have urban amenities such as sidewalks and curb and gutter. Appropriate species of trees should be planted as a part of such improvements.

Neighborhood plan policy supports expansion of businesses in industrial districts and the proffered site plan addresses the basic infrastructure provisions of the plan.

#### City Department Comments:

- Dimensions of lot do not reflect dimensions on city map; revise development plan if needed (The property lines as shown on the development plan show a portion of Missouri Avenue N.E. as a portion of the lot. Right-of-Way dedication will be required during the development review process if this is correct.)
- Label areas of building without openings towards residential areas, storage, fencing Label storage areas on the plan
- Label width of landscape buffer and mixture of large deciduous trees and evergreen materials to be used
- Review storm water management requirements

The applicant submitted Amended Application No. 1 in response to the comments, further detailing the landscaping, building design, fencing, and storage. The applicant also reviewed storm water management requirements with the development review coordinator.

#### Public Comments:

None.

#### Planning Commission Work Session:

None.

#### Planning Commission Public Hearing Discussion:

None.

  
Lora Katz, Chair  
City Planning Commission

cc: Chris Morrill, City Manager  
R. Brian Townsend, Assistant City Manager  
Chris Chittum, Director of Planning Building & Development  
Daniel J. Callaghan, City Attorney  
Steven J. Talevi, Assistant City Attorney  
James T. & Linda P. Hullett, Paul Bunyan Tree Service  
Lane Dellinger, Paul Bunyan Tree Service

# Zoning Amendment Application

Department of Planning, Building and Development  
Room 166, Noel C. Taylor Municipal Building  
215 Church Avenue, S.W.  
Roanoke, Virginia 24011  
Phone: (540) 853-1730 Fax: (540) 853-1230

RECEIVED

JAN 06 2014



[Click Here to Print](#)

CITY OF ROANOKE  
PLANNING BUILDING AND DEVELOPMENT

Date: Jan 6, 2014

Submittal Number: Amended Application No. 1

## Request (select all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Rezoning, Not Otherwise Listed                       | <input type="checkbox"/> Amendment of Proffered Conditions                |
| <input checked="" type="checkbox"/> Rezoning, Conditional                     | <input type="checkbox"/> Amendment of Planned Unit Development Plan       |
| <input type="checkbox"/> Rezoning to Planned Unit Development                 | <input type="checkbox"/> Amendment of Comprehensive Sign Overlay District |
| <input type="checkbox"/> Establishment of Comprehensive Sign Overlay District |   |

## Property Information:

Address: 1817 Indiana Ave. NE

Official Tax No(s): 3060810

Existing Base Zoning:

(If multiple zones, please manually enter all districts.)

RM-1, Residential Mixed Density

☐ With Conditions

☐ Without Conditions

Ordinance No(s). for Existing Conditions (If applicable):

Requested Zoning: I-1, Light Industrial (c)

Proposed Land Use: Equipment Storage

## Property Owner Information:

Name: James T. & Linda Hullett

Phone Number: +1 (540) 890-3183

Address: 13807 Stewartsville Rd., Vinton, VA 24179

E-Mail: tim@pbunyan.com

Property Owner's Signature:

## Applicant Information (if different from owner):

Name:

Phone Number:

Address:

E-Mail:

Applicant's Signature:

## Authorized Agent Information (if applicable):

Name: Lane Dellinger

Phone Number: +1 (540) 890-6550

Address: 1734 11th St. NE, Roanoke, VA 24012

E-Mail: lane@pbunyan.com

Authorized Agent's Signature:

# **Zoning Amendment Application Checklist**



## **The following must be submitted for all applications:**

- ☒ Completed application form and checklist.
- ☒ Written narrative explaining the reason for the request.
- ☐ Metes and bounds description, if applicable.
- ☒ Filing fee.

## **For a rezoning not otherwise listed, the following must also be submitted:**

- ☐ Concept plan meeting the Application Requirements of Item '2(c)' in Zoning Amendment Procedures.

## **For a conditional rezoning, the following must also be submitted:**

- ☒ Written proffers. See the City's Guide to Proffered Conditions.
- ☒ Concept plan meeting the Application Requirements of Item '2(c)' in Zoning Amendment Procedures. Please label as 'development plan' if proffered.

## **For a planned unit development, the following must also be submitted:**

- ☐ Development plan meeting the requirements of Section 36.2-326 of the City's Zoning Ordinance.

## **For a comprehensive sign overlay district, the following must be submitted:**

- ☐ Comprehensive signage plan meeting the requirements of Section 36.2-336(d)(2) of the City's Zoning Ordinance.

## **For an amendment of proffered conditions, the following must also be submitted:**

- ☐ Amended development or concept plan meeting the Application Requirements of item '2(c)' in Zoning Amendment Procedures, if applicable.
- ☐ Written proffers to be amended. See the City's Guide to Proffered Conditions.
- ☐ Copy of previously adopted Ordinance.

## **For a planned unit development amendment, the following must also be submitted:**

- ☐ Amended development plan meeting the requirements of Section 36.2-326 of the City's Zoning Ordinance.
- ☐ Copy of previously adopted Ordinance.

## **For a comprehensive sign overlay amendment, the following must also be submitted:**

- ☐ Amended comprehensive signage plan meeting the requirements of Section 36.2-336(d) of the City's Zoning Ordinance.
- ☐ Copy of previously adopted Ordinance.

## **For a proposal that requires a traffic impact study be submitted to the City, the following must also be submitted:**

- ☐ A Traffic Impact Study in compliance with Appendix B-2(e) of the City's Zoning Ordinance.

## **For a proposal that requires a traffic impact analysis be submitted to VDOT, the following must also be submitted:**

- ☐ Cover sheet.
- ☐ Traffic impact analysis.
- ☐ Concept plan.
- ☐ Proffered conditions, if applicable.
- ☐ Required fee.

\*An electronic copy of this application and checklist can be found at [www.roanokeva.gov/pbd](http://www.roanokeva.gov/pbd) by selecting 'Planning Commission' under 'Boards and Commissions'. A complete packet must be submitted each time an application is amended, unless otherwise specified by staff.

## **Written Narrative for 1817 Indiana Ave. NE Zoning Amendment**

We are requesting a zoning amendment for the property located at 1817 Indiana Ave. NE from RM-1 to I-1 (Official Tax #3060810). We are requesting this change because the property in question is attached to an existing property zoned I-1 that is being used for Paul Bunyan's Tree Service, Inc. Our company has grown over the years to a point where expansion will be necessary in the upcoming months/years. Our future goal will be to erect an equipment storage building to house our tree care equipment. This equipment is very expensive and its exposure to the elements is shortening the life of the equipment forcing our company to spend thousands of dollars for untimely repairs. The property will be developed in substantial conformity with the development plan prepared by Pierson Engineering & Survey dated January 6, 2014 a copy of which is attached to this application as Exhibit 1, subject to any changes that may be required by the City during comprehensive development plan review.

We attempted to erect an equipment storage building on our existing property at 1734 11<sup>th</sup> St. NE earlier this year. However, our septic system lies under our parking lot and the lack of municipal sewer precludes erecting a building on that property.

The zoning amendment will have little, if any effect on the surrounding neighborhood. Property surrounding the lot in question is zoned Industrial on three sides and the remaining side is zoned Residential and does not have a residence on the lot. There will be no change in traffic or increase of additional traffic resulting from the zoning amendment.

The proposed zoning amendment will be cohesive with the City's Comprehensive Plan due to the location of the property and the surrounding Industrial zoned properties.



DATE: 11/10/2011  
 REVISIONS:  
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| <b>TAXID</b> | <b>LOCADDR</b>       | <b>OWNER</b>              | <b>OWNERADDR1</b> |
|--------------|----------------------|---------------------------|-------------------|
| 3060405      | 1036 MISSOURI AVE NE | PACE E C COMPANY INC      | PO BOX 12685      |
| 3060603      | 1818 INDIANA AVE NE  | E C PACE & COMPANY INC    | PO BOX 12685      |
| 3060811      | 1734 11TH ST NE      | HULLETT JAMES T & LINDA P | 1734 11TH ST NE   |
| 3061501      | 1725 11TH ST NE      | DAVIDSON TY & CYNTHIA C   | 6510 SHINGLE RIDG |

RM-1  
3230101

3060403

3060810

RM-1

3060604

INDIANA

3060811

1817 Indiana Avenue, N.E.  
Official Tax Map No. 3060810

3060809



587  
1/15/14

B.2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend § 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain property within the City, and dispensing with the second reading of this Ordinance by title.

WHEREAS, James T. and Linda Hullett have made application to the Council of the City of Roanoke, Virginia ("City Council"), to have the property located at 1817 Indiana Avenue, N.E., bearing Official Tax Map No. 3060810, rezoned from Residential Mixed Density District (RM-1), to Light Industrial District (I-1), with a condition;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on January 21, 2014, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to City Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the rezoning of

the subject property, and for those reasons, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect that Official Tax Map No. 3060810, located at 1817 Indiana Avenue, N.E., be and are hereby rezoned from Residential Mixed Density District (RM-1), to Light Industrial District (I-1), with a condition, as set forth in the Zoning Amended Application No. 1 dated January 6, 2014.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## CITY COUNCIL AGENDA REPORT

**To:** Honorable Mayor and Members of City Council  
**Meeting:** January 21, 2014  
**Subject:** Amendment to Chapter 21, Offenses-Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article X, Public Dance Halls

### Background:

City Council and City Staff have considered for some time the creation of an amendment to the City Code in order to provide for certain levels of on-site security in entertainment establishments which contain facilities for dancing. The City Code amendment would also require the identification and registration of such establishments through a permitting process administered by the Police Department. Similar provisions are in place in the Codes of the cities of Norfolk and Richmond.

On October 7, 2013, City Council received a briefing from Chief of Police Chris Perkins regarding a proposed amendment to the City Code in order to provide for certain levels of on-site security in entertainment establishments which contain facilities for dancing.

### Considerations:

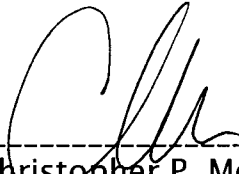
The proposed amendment will 1) create a registration process for public dance halls; 2) provide regulations governing public dance halls that are designed to maintain peace and facilitate a vibrant night life in the City of Roanoke; and 3) establish security requirements for public dance halls to improve security at those locations.

### Recommended Action:

Adopt the proposed amendment to Chapter 21, Offenses- Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article X, Public Dance Halls attached to this report to establish public dance hall regulations effective March 31, 2014, and as set forth therein.

Authorize the City Manager to take all steps necessary and/or advisable, in his discretion, to implement an effective transition of Chapter 21 of the Code of the City of Roanoke (1979), as amended, prior to the effective date of Article X, including, but not limited to, developing policies, forms, procedures, and manuals necessary to implement Chapter 21, Offenses- Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article X, Public Dance Halls.

Authorize the City Manager to take such other actions and to execute such further documents, approved as to form by the City Attorney, as may be necessary to establish, implement, and enforce the Public Dance Halls amendment.

  
-----  
Christopher P. Morrill  
City Manager

Distribution: Council Appointed Officers  
Brian Townsend, Assistant City Manager for Community Development  
Sherman Stovall, Assistant City Manager for Operations  
Christopher Perkins, Chief of Police

643

B.4.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Chapter 21, Offenses – Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended, by adding new Article X, Public Dance Halls, Chapter 21, Offenses - Miscellaneous, of the Code of the City of Roanoke, Virginia (1979), as amended; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The Code of the City of Roanoke, Virginia (1979), as amended, is hereby amended and reordained by the addition of new Article X, Public Dance Halls, Chapter 21, Offenses - Miscellaneous, to read and provide as follows:

Chapter 21. Offenses-Miscellaneous

\* \* \*

*Article X. Public Dance Halls.*

*Sec. 21-221. Definitions.*

*As used in this article:*

*Public Dance Hall means any place open to the general public where dancing is permitted. However, any restaurant licensed under Sections 4-98.1 and 4-98.2 of the Code of Virginia to serve food and beverages, having a dance floor with an area not exceeding ten (10) percent of the total public floor area of the establishment, shall not be considered a public dance hall.*

*Public Floor Area means that square footage of an establishment that is open to the general public. This does not include kitchen space, office space or meeting rooms.*

*Chief of Police means the chief of police for the Police Department of the City of Roanoke.*

*Owners means all persons or individuals having at least a ten percent financial interest in a Public Dance Hall, including, but not limited to, all partners, shareholders or interest holders.*

*Law-enforcement Officer means any full or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth as further defined by Section 9.1-101 of the Code of Virginia.*

*Armed Security Officers means a natural person employed to (i) safeguard and protect persons and property, or (ii) deter theft, loss, or concealment of any tangible or intangible personal property on the premises he is contracted to protect, and who carries or has access to a firearm in the performance of his duties as further defined by Section 9.1-138 of the Code of Virginia.*

*Sec. 21-222. Permit Required to Operate a Dance Hall.*

- (a) No person shall operate a Public Dance Hall in the City, without having first obtained a permit issued pursuant to this article. No permit shall be granted by the Chief of Police for the operation of a public dance hall in the City, until the applicant has complied with the requirements of this section.*
- (b) Any person desiring to obtain a permit for the operation of a Public Dance Hall shall make written application therefor to the Chief of Police. Such application shall contain the following information:*
  - (1) The address and tax map number of the proposed Public Dance Hall;*
  - (2) The names and addresses of all Owners of the proposed Public Dance Hall;*
  - (3) A detailed drawing or sketch clearly showing the layout of the Public Dance Hall and indicating the amount of off-street parking available for patrons;*
  - (4) A detailed security plan to assist the police department with crime prevention and crowd control;*

- (5) *An endorsement obtained from the Fire Marshall or his/her designee certifying that the proposed Public Dance Hall complies with the Statewide Fire Prevention Code;*
  - (6) *An endorsement obtained from the City's Zoning Administrator or his/her designee certifying that the proposed Public Dance Hall complies with the Virginia Uniform Statewide Building Code and the City's zoning ordinance.*
- (c) *All permits issued pursuant to this article shall be valid for one (1) year upon date of issuance. A Public Dance Hall permit can be renewed by the Police Chief or his/her designee. The renewal application shall be submitted to the Police Chief at least thirty (30) days prior to the expiration of the existing Public Dance Hall permit. The renewal Public Dance Hall permit application shall contain the same information required in the original permit, however such information must be updated as of the date of the renewal application.*
- (d) *No fee is required to be made by the person making an application for a Public Dance Hall permit under this article.*
- (e) *Upon the filing of an application for a Public Dance Hall permit or renewal of an existing permit, the Police Chief or his/her designee may receive statements evidence relevant to the permit or renewal application. A Public Dance Hall permit application may be refused if there is reasonable cause to believe that an applicant or Owner of a proposed Public Dance Hall; (i) has been convicted of a felony under the laws of any state, or of the United States, or has been convicted of any crime or offense involving moral turpitude; (ii) has maintained a noisy, lewd, disorderly or unsanitary establishment in violation of state or local law; (iii) is a person to whom alcoholic beverages may not be sold under the provisions of title 4 of the Code of Virginia; or (iv) has misrepresented a material fact in their application for a permit under this article.*
- (f) *A permit to operate a Public Dance Hall is not transferable.*

- (g) *The Police Chief or his/her designee may suspend or revoke a permit granted under this article upon a finding by the Police Chief that the holder of a Public Dance Hall permit:*
- (1) *Has misrepresented a material fact in applying for such permit.*
  - (2) *Has been convicted of a felony or of any crime or offense involving moral turpitude in any court.*
  - (3) *Is not the legitimate owner of the business conducted under the permit issued or other persons have ownership in the businesses which have not been disclosed.*
  - (4) *Has allowed noisy, lewd, or disorderly conduct upon the premises, or has maintained such premises in unsanitary or unsafe condition, or allowed such premises to become a meeting place or rendezvous for persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises.*

*Sec. 21-223. Appeal of decisions of the Police Chief.*

*Any applicant or holder of a permit issued pursuant to this article may appeal denial of their application; any suspension or revocation of their Public Dance Hall permit; or surrender of their restaurant license as allowed under Section 13-15 of the Code of the City of Roanoke to the City Manager under the following procedures:*

- (1) *An applicant or holder of a permit must file their appeal with the Police Chief within thirty (30) days of the denial, suspension or revocation of a Public Dance Hall permit.*
- (2) *The City Manager will conduct a hearing of the appeal within thirty (30) days of the applicant or holder's filing of an appeal.*
- (3) *The City Manager shall render a written decision on the appeal within ten (10) business days following the hearing after consulting with the City Attorney. The Public Dance Hall permit or restaurant license may be:*
  - (i) *Reinstated without conditions.*

- (ii) *Reinstated with conditions and/or restrictions.*
  - (iii) *Temporarily suspended the permit for a period to be set by the City Manager.*
  - (iv) *Permanently revoked.*
- (4) *The decision of the City Manager and/or his/her designee shall be the final decision regarding the denial, suspension or revocation of a Public Dance Hall permit or restaurant license.*

*Sec. 21-224. Security Requirements.*

*Whenever the number of patrons in a Public Dance Hall is at least fifty (50), then the Public Dance Hall shall have at least two security employees or contractors. Whenever the number of patrons in a Public Dance Hall is at least one hundred (100), then the Public Dance Hall shall have three security employees or contractors at least one of whom shall be a law-enforcement officer outside of the establishment. Whenever the number of patrons in a Public Dance Hall is at least one hundred and fifty (150) then the Public Dance Hall shall have four security employees or contractors at least two of whom shall be a law-enforcement officer outside of the establishment. Whenever the number of patrons is more than two hundred (200), then the Public Dance Hall shall have at least one security employee or contractor for every fifty patrons or portion thereof beyond two hundred (200), at least two of whom shall be law-enforcement officers outside of the establishment. All other security employees of contractors shall be Armed Security Officers and shall be validly registered with the state Department of Criminal Justice Services as required by Section 9.1-139 of the Code of Virginia. The applicant or permit holder for the Public Dance Hall shall be responsible for ensuring the compliance of the public dance hall with this section.*

*Sec. 21-225. Right of Entry of Law Enforcement.*

*Members of the city police department, city sheriff's office, and city fire marshal may enter any public dance hall operated pursuant to a permit issued under the provisions of this article at all hours, to insure that the peace and quiet of the city are preserved and that the conditions and restrictions of this article are observed.*

*Sec. 21-226. Operator not to Permit Intoxicated or Disorderly Persons on Premises.*

*It shall be a violation of this article for any holder of a Public Dance Hall permit to allow any person under the influence of alcoholic beverages or any disorderly person to enter or remain in a Public Dance Hall.*

*Sec. 21-227. Minors prohibited if alcoholic beverages are sold; exception.*

- (a) It shall be unlawful for any minor to enter, be or remain in any Public Dance Hall in the city or any other place in the city open to the public where dancing is permitted, where alcoholic beverages are consumed or are sold or dispensed for consumption therein or thereat, except on business, and when on business, such minor shall be required to depart therefrom as soon as his business is transacted.*
- (b) It shall be unlawful for the owner, operator or person in charge of any Public Dance Hall in the city or of any other place in the city open to the public where dancing is permitted, where alcoholic beverages are consumed or are sold or dispensed for consumption therein or thereat, to allow or permit any minor to enter, be or remain in any such Public Dance Hall or place, except on business, and when on business, such minor shall be required to depart therefrom as soon as his business has been transacted.*
- (c) The presence of any minor in any such Public Dance Hall or such other place for the purpose of dancing or watching dancing shall not be considered as being therein on business.*
- (d) The term "alcoholic beverages," when used in this section, shall have the meaning prescribed by the state Alcoholic Beverage Control Act (Section 4-1 et seq., Code of Virginia).*
- (e) The owner, operator or person in charge of any such Public Dance Hall or such other place open to the public where dancing is permitted shall have and keep posted conspicuously at the entrance or entrances of such Public Dance Hall or such other place a sign or signs in bold letters, not less than two (2) inches in height, reading "NO MINORS ALLOWED."*

Sec. 21-228. Manager to be Present During Operation and Restrictions on Hours of Operation.

- (a) *Each permit holder, except an individual who is a permit holder and on the premises, shall have a designated manager present at all times the Public Dance Hall is in operation. All designated managers must be at least 21 years of age. The name of the designated manager of every Public Dance Hall shall be kept posted in a conspicuous place in the Public Dance Hall in letters not less than one inch in size, during such time as the manager is in charge.*
- (b) *No Public Dance Hall shall remain open after 3:00 a.m.*

Sec. 21-229. Exemptions for charitable dances.

*Dances held for benevolent or charitable purposes and dances conducted under the auspices of religious, educational, civic or military organizations are exempt from the requirements of this article. In order to qualify for this exemption, dances held for benevolent or charitable purposes must donate fifty percent (50%) of the gross proceeds to a qualified charitable or tax exempt organization under Section 501(c) of Federal Internal Revenue Code.*

Sec. 21-230. Violations of Article.

- (a) *Any person violating any section of this article or failing to comply with any portion of this article shall be guilty of a class 3 misdemeanor. Each day of violation of any provision of this article occurs shall constitute a separate offense.*
- (b) *Any business location where individuals have been convicted of three or more violations of this Article within a twelve (12) month period shall surrender its restaurant license pursuant to Section 13-15 of the Code of the City of Roanoke.*
- (c) *In addition thereto and not in lieu thereof, any continuing violation of any section of the article may be enjoined by the Circuit Court upon application of the attorney for the City of Roanoke. The City of Roanoke through the office of the city attorney in addition to the injunction may seek civil relief to recover the costs of providing services to business that are in violation of this article.*

- 2. This Ordinance shall become effective on March 31, 2014.

3. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.